

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiffs,

vs.

STEPHEN BYRON SMITH,

Defendant/
_____ /

CASE NO. 00-6022-CIV-LENARD

NOTICE OF FILING

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Defendant STEPHEN BYRON SMITH, by and through his undersigned counsel, herewith gives notice of filing copies of Volumes I and II of the deposition transcripts of Henry Naranjo taken on January 11, 2001 and January 16, 2001, and the deposition transcript of John Bredbeck taken on February 7, 2001.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been mailed to all counsel of record listed on the attached service list, this 17 day of August, 2001.

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 00-6022 CIV-LENARD/TURNOFF

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiffs,
vs.

COPY

STEPHEN BYRON SMITH, PALMER
JOHNSON EXPORT SALES, INC.,
PALMER JOHNSON DISTRIBUTORS,
INC., and PALMER JOHNSON, INC.,

Defendants,

-----X

LOCATION: LAW OFFICE
80 SW 8TH STREET
SUITE 2520
MIAMI, FLORIDA 33160

DATE: JANUARY 11, 2001 - THURSDAY

TIME: 10:30 P.M. - 4:45 P.M.

- - - - -

DEPOSITION

OF

HENRY NARANJO

I

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28 MARLENE RAMIREZ

29
30 REPORTED BY: KATHERINE TRAINER
31 COURT REPORTER

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E-X-H-I-B-I-T-S

(Marked for Identification)

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1 The deposition of the witness, HENRY NARANJO, taken
2 in the above styled cause, before KATHERINE TRAINER,
3 Shorthand Reporter and Notary Public, in and for the State of
4 Florida, pursuant to the Notice heretofore filed

5 - - - - -

6 (Thereupon, the interpreter was duly sworn.)

7 THEREUPON:

8 HENRY NARANJO

9 and Marlene Ramirez, witnesses of lawful age, having been
10 called by the Defendant, and being by the undersigned Notary
11 Public first duly sworn through the interpreter, was examined
12 and testified under oath as follows:

13 DIRECT EXAMINATION

14 BY MR. VALLE:

15 Q. Would you please state your full name for the record
16 and your present resident address for me?

17 A. My name is Henry Naranjo. I live at 8881 Northwest
18 8th Street, Pembroke Pines, Florida, 33024.

19 Q. Do you have a telephone at that address?

20 A. Yes, sir. 954-433951.

21 Q. Mr. Naranjo, my name is Larry Valle. I'd like to
22 say a few things at the beginning of the deposition, both for
23 you and your wife to hear.

24 A. (Witness nods head).

25 Q. Have you had your deposition taken before?

1 A. No.

2 Q. Let me explain a few things about a deposition to
3 you and that will be for your wife as well. A deposition is
4 no more or no less than just a question and answer period.

5 Generally, in normal life people have a decision or
6 choice to make as to who they are going to talk to, but when
7 you file a lawsuit you lose that decision to the extent that
8 you have to talk to me.

9 In conversation and in a deposition are different
10 than normal conversations. For example, generally, when
11 you're talking about a subject matter that you are familiar
12 with the other person could get halfway through a question
13 and you know what he is going to ask.

14 Again, you answer by shaking your head or going
15 uh-huh or nu-huh. Depositions are a little different. The
16 reason is that this lady, to your left, has to take down
17 everything that we say - word-for-word; and everything that I
18 say word-for-word.

19 You have to really wait until I finish asking my
20 entire question before you answer it. Even if you think that
21 you know what I'm going to ask. The other issue is when you
22 answer a question, you can't answer by shaking your head or
23 saying nu-huh or huh-huh because she can't shake the machine
24 upside down, you know.

25 A. Uh-huh.

1 Q. She can only record verbal answers?

2 A. (Witness nods head).

3 Q. Also if you know the answer to a question that I ask
4 you or if you can give me a reasonably accurate answer then
5 please do that. Answers to a question are not simply telling
6 me the truth but telling me the entire truth.

7 The reason that we caution you against guessing - I
8 don't think anybody in the room wants you to guess at an
9 answer - is because if you guess at the answer and it's
10 wrong, you may have to live with that answer later on when I
11 read that answer back to you at trial; and it's going to be
12 embarrassing.

13 So when you answer my questions be sure number one,
14 that you know the answer to the question; and number two,
15 that you answer it fully and completely. Any questions about
16 the procedure?

17 A. No.

18 Q. I'm going to ask you questions; and then the
19 gentleman to the left, Mr. Kallen will ask you questions; and
20 then your attorney will probably do a scathing
21 cross-examination, but I doubt if he will.

22 That's the way it is going to go. Let me tell you
23 in advance the way that I take depositions so that you know
24 what to expect as we go along. Generally, from the beginning
25 of your life until today I'll ask you questions in

1 chronological order.

2 Let's start off with you telling me a little
3 something about yourself. Where were you born and raised?

4 A. I was born Cali, Columbia on February 24, 1958. I
5 lived in Columbia until I was 22, which is when I decided to
6 come here to this country.

7 Q. How much education did you have when you were in
8 Columbia?

9 A. I was in school for 11 years; elementary and
10 secondary school.

11 Q. Can you read and write?

12 THE INTERPRETER: English or Spanish?

13 Q. In Espanola?

14 A. Yes, sir.

15 Q. Can you speak in any other language other than
16 Spanish?

17 A. A little English.

18 Q. I noticed that you smiled and your wife smiled when
19 we were talking earlier.

20 How functional are you in English?

21 A. I understand more than I can speak.

22 Q. During the deposition you might be tempted to answer
23 in English or respond before the interpreter has a chance to
24 interpret the question. Please wait until she finishes so
25 that we can do the whole thing entirely in Spanish.

1 A. That's right.

2 Q. What type of work did you do in Columbia before you
3 left Columbia and came to the United States?

4 A. I worked in the warehouse, clothing company. I did
5 dispatch of merchandize and inspection. Delivering - sending
6 merchandize to different cities in Columbia and at the time
7 inspected the merchandize.

8 Q. Was that, basically, a desk job like dispatching;
9 and then, eventually, from time to time inspecting the
10 product?

11 A. It was both at the desk and inspecting merchandize.

12 Q. Do you feel that your experience in working in that
13 clothing company made you competent and qualified to act as a
14 dispatcher or a clothing inspector?

15 A. Well, if I say it was a very simple job. It is
16 easy, and I did it well.

17 Q. You came to the United States at age 22; that would
18 have been 1990 - I guess - I'm sorry 1980?

19 A. '80 or '81, something like that.

20 Q. Where did you first reside after you came to the
21 United States?

22 A. When I first got here I went to the home of friends
23 in Hialeah, and then I moved to an efficiency. I don't
24 remember exactly the address.

25 Q. Let me ask you this: Since arriving in the United

1 States have you always lived in Dade County or Broward
2 County?

3 A. I lived in Dade County until '97.

4 Q. In 1997, is that when you moved to Pembroke Pines?

5 A. Yes, sir.

6 Q. You have given us a couple of addresses in the
7 answers to interrogatories. I want to make sure that there
8 were no numbers transposed, so tell me if they are correct.

9 A. Yes. (Witness nod heads).

10 Q. The first address that we have for you starts in
11 1992, and that address is 1745 Sansucci Boulevard?

12 A. Yes, sir.

13 Q. Did you live in an apartment on that boulevard?

14 A. Yes.

15 Q. What was the apartment number?

16 A. It's on the third floor. 32.

17 Can I ask my wife?

18 Q. Sure. That is why I have her sworn in.

19 MARLENE RAMIREZ: 302.

20 Q. Then after that you gave us an address of 20275
21 Northeast Second Avenue? Apartment "L-2"; is that correct?

22 A. Yes.

23 Q. You lived there until 1997, and then you moved to
24 Pembroke Pines; is that correct?

25 A. Yes, that's correct.

1 Q. I'm going to ask you a number of questions that you
2 may think are somewhat ridiculous or perhaps insulting, but
3 please understand that these are standard questions that we
4 ask everyone.

5 Have you ever been arrested?

6 A. Yes.

7 Q. If you could tell me when that was and where that
8 was?

9 A. It was here in Dade County because I had a suspended
10 license.

11 Q. Is that the only arrest that you ever experienced?

12 A. Yes, the only one.

13 Q. Have you ever been convicted of a criminal offence?

14 A. No.

15 Q. What is your social security number, please?

16 A. 595-68-501.

17 Q. Do you have a valid Florida driver's license at this
18 point?

19 A. Yes.

20 Q. Can I trouble you to take it out and read me the
21 number of it, please?

22 A. Yes. N-652380580640.

23 Q. You provided us with an address earlier in the
24 deposition. Can you tell me who that you live there with, if
25 anyone?

1 A. I live with my wife and two children.

2 Q. Can you give me your wife's full name, please?

3 A. Marlene Ramirez.

4 Q. Your two children, what are their names?

5 A. The youngest is 10-years old, his named is Jonathan
6 Naranjo; and the 18-year old is Jeffery Naranjo.

7 Q. Is Mrs. - I'm sorry - Ms. Ramirez travels under her
8 own last name or are you formally married or living together?

9 A. She uses her maiden name.

10 Q. Where and when were you married to Ms. Ramirez?

11 A. In Columbia, on December 26.

12 Q. This is the most important question in the
13 deposition; and you better get this one right?

14 A. I know. '81. 1981.

15 Q. Was Ms. Ramirez your first and only wife or have you
16 been married to others?

17 A. My only wife.

18 Q. Do you know whether or not you are Ms. Ramirez's
19 only husband?

20 A. Yes.

21 Q. Since arriving in the United States back in 1990 -

22 MR. FAMULARI: '80.

23 Q. I'm sorry. I want to say 1990.

24 What type of work have you done in general?

25 A. I have done welding in general.

1 Q. Where did you receive your training in welding?

2 A. I learned in the company - Miami Metal. That's also
3 the same company as Pompeii Furniture.

4 Q. Where are they located?

5 A. I don't know the exact address. It is in Miami. It
6 is 22nd Street and Northwest 2nd Avenue.

7 MR. FAMULARI: I've got a question. For Henry, the
8 social security file, that should have all that in
9 there. When I get it, I'll pass it on to you.

10 MR. VALLE: Do you want him to answer the question
11 or are you going to send it to us?

12 MR. FAMULARI: I'll send the file to you.

13 MR. VALLE: Thank you. That will clear up a lot of
14 things.

15 BY MR. VALLE:

16 Q. How long did you work for Miami Metals?

17 A. From 1982 to 1992.

18 Q. Who was your immediate supervisor or the boss that
19 you reported to every day?

20 A. I don't remember.

21 Q. Why did you leave that job?

22 A. I went to another company that was paying more.

23 Q. What company was that?

24 A. Jorge, J-O-R-G-E, Welding.

25 Q. Where is that located?

1 A. In Hialeah Gardens. I know it is on Okeechobee but
2 I don't know the exact address.

3 Q. You don't have to tell me the exact address just as
4 long you know generally, we know where it is.

5 How long did you work for Jorge Welding?

6 A. From January to August of 1992.

7 Q. Why did you leave that job?

8 A. I had put in an application at a company that I then
9 went to work for and when they called me I went to Bradford
10 Marine.

11 Q. Before working for Bradford Marine did you have any
12 experience at all in welding aboard a ship?

13 A. No.

14 Q. When you went to work for Bradford Marine, I guess
15 it was 1992, was there any training program that you had to
16 go through?

17 A. They give me a welding certificate there, "ABS"
18 certificate.

19 Q. I'm concerned with what type of training that you
20 received, okay; and when you received it?

21 A. I didn't receive any training. It was repair work,
22 and I knew how to do it. It was easy.

23 Q. Do you know what "ABS" means?

24 A. No, but I understand it is a certificate to work on
25 ships.

1 Q. When were you provided with the ABS certificate?

2 A. In October, I don't remember the exact address. It
3 was more or less in October of the same year.

4 Q. So around October of 1992 Bradford Marine certifies
5 you as an ABS welder?

6 A. Yes, sir.

7 Q. Do you have to take any type of a test or
8 examination in order to earn the certificate?

9 (WHEREUPON, the testimony requested was read back by
10 the reporter as recorded.)

11 A. Yes, sir.

12 Q. What kind of test was it?

13 A. Welding two sheets of aluminum and a pipe.

14 Q. Was there any written examination?

15 A. I believe so because the company has a certificate
16 saying that I passed.

17 MR. DAPENA: I don't think he understands.

18 Q. I understand that you passed and got a certificate.

19 As part of the process of getting the certificate
20 did you have to take a written test?

21 A. No, sir.

22 Q. Did anyone at Bradford Marine give you any
23 instruction on what to do when welding in a confined space
24 aboard a ship?

25 A. Yes.

1 Q. Who was that, that gave you instruction and what was
2 that, please?

3 A. My boss.

4 Q. You know who that is, I don't.

5 A. Tony Watson.

6 Q. When was that?

7 A. Well, before them there were other bosses for the
8 welding.

9 Q. Correct, but I'm interested in whether or not there
10 was someone that actually said, Mr. Naranjo, this is the way
11 that you proceed to weld aboard a ship; and gave you
12 instructions on how to do that?

13 A. Yes. He gave me instructions.

14 Do you need to know when?

15 Q. Yes, roughly. When was it that he instructed you?

16 A. Whenever there was a job to be done on the ship he
17 went with me and told me what to do.

18 Q. In this particular case, when you were working on
19 the ship that did eventually explode, did Mr. Watson or
20 anybody else come aboard the ship with you and give you
21 instructions on how to proceed?

22 A. The captain of the yacht that exploded he was the
23 one that told me what I had to do.

24 Q. What exactly, to the best of your recollection, did
25 he instruct you prior to the time of your accident?

1 A. He took me through the place where I was going to do
2 the work, and he told me that I needed some aluminium, black
3 kit or plates, to install them there to be welded.

4 MR. FAMULARI: Just so that we don't mislead anybody
5 by what is going on, we had the day that the yacht
6 exploded; but I believe that Henry was working on the
7 boat for five or six weeks with the captain, so this
8 went on for a long period of time in case you didn't
9 know that.

10 MR. VALLE: I didn't. I don't know if it is a sail
11 or a power boat.

12 MR. FAMULARI: It is a beautiful sport fisher.

13 MR. VALLE: I didn't know that they made a sport
14 fisher with concrete and all.

15 (WHEREUPON, a brief off-the-record discussion was
16 had.)

17 BY MR. VALLE:

18 Q. Let me back up a step. My original question was:
19 Did anybody from Bradford come aboard the ship at the time
20 that the accident happened and instruct you as to how to go
21 about welding the place that you were supposed to weld?

22 A. No.

23 Q. You were working for Bradford Marine for, roughly,
24 five years before this accident happened and during the
25 course of that employment had you welded aboard other ships?

1 A. Yes.

2 Q. Were you familiar with the type of equipment they
3 had at Bradford Marine by the time this accident occurred?

4 A. Yes.

5 Q. Do you know whether or not that they had any type of
6 devices that are commonly called "sniffers" which are used to
7 test the presence of gas in enclosed spaces before the
8 welding procedure?

9 A. No, but they have a person there. They have someone
10 that certifies that the area is gas free.

11 MR. DAPENA: To what would be hired?

12 MR. FAMULARI: No one was hired to do that.

13 MR. VALLE: Could you read that answer back.

14 (WHEREUPON, the testimony requested was read back by
15 the reporter as recorded.)

16 BY MR. VALLE:

17 Q. My understanding from your answer, to your
18 knowledge, they didn't have any type of equipment or a
19 machine that would test the presence of gas; is that correct?

20 A. That's correct.

21 Q. Who was the person at Bradford Marine, at the time
22 of this particular accident, that certified whether or not an
23 area was gas free?

24 A. His name is Peter Raymond.

25 MR. DAPENA: Rimmell, R-I-M-M-E-L-L.

1 Q. Did Mr. Rimmell, to your knowledge, certify that
2 this particular area was gas free before you began welding on
3 the day that this accident happened?

4 A. I suppose so because if the ship was certified as
5 gas free it meant that work would be done.

6 Q. You are saying that, "I suppose so"; you're going to
7 get in trouble. If you know you can say yes; if you don't
8 know, say that you don't know?

9 A. The boat was certified gas free and the job could be
10 done.

11 Q. Mr. Rimmel did that?

12 A. He did.

13 Q. Did you see him on the job site?

14 A. No, I did not see him on the job site.

15 Q. How do you know that he certified the vessel gas
16 free or are you assuming that he did?

17 A. I don't know how to answer that.

18 Q. Okay. Do you have personal knowledge that Mr.
19 Rimmel came aboard that boat and declared that boat gas free
20 before you did the welding?

21 A. No, I do not have knowledge.

22 Q. Did Bradford Marine post any sign or give any
23 indication that the area has been inspected and found to be
24 gas free on the vessel where you have done your work?

25 A. Yes.

1 Q. What type of sign or what type of indication is
2 there to you when you go aboard a vessel that it has been
3 inspected and found to be gas free at Bradford Marine?

4 A. They post a sheet of paper that has his signature on
5 it that certifies that the area is gas free.

6 Q. Was there such a paper posted on this particular
7 ship before you performed your welding?

8 A. Yes.

9 Q. Before you began your welding did you ventilate or
10 air out the area that you were going to be welding in before
11 you began?

12 A. Yes, I used air extractors; and the area was free
13 for several hours before I started working there.

14 Q. What do you mean "Air extractors"?

15 A. An air extractor is always used with a hose to
16 remove smoke or gas or fuel odors. It's to prevent anything
17 from accumulating in the work area.

18 Q. If this vessel was certified as gas free already,
19 why did you do that?

20 A. Because the captain told me to do the job.

21 Q. But if the vessel was certified as gas free and you
22 had been working aboard the vessel for a month, why did you
23 find it necessary to use air extractors in the area where you
24 welded on the day that the accident happened?

25 Do you want her to read it back?

1 THE INTERPRETER: Yes.

2 (WHEREUPON, the testimony requested was read back by
3 the reporter as recorded.)

4 A. As a precaution, it's always done.

5 Q. Did you ever receive any training on what you should
6 do before you, in your welding, before you cut into the area
7 that may be confined or an enclosed area?

8 A. Did you say cut?

9 Q. Yes, before you weld or cut into an area where there
10 may be a space or a structural void, before you do that, were
11 you ever trained with regard to safety precautions?

12 A. No, but the boss instructs us. The boss instructs
13 us that we have to do that for our health to protect our
14 health and for safety reasons.

15 Q. Let's assume that we're going to cut into the box or
16 tank. Before you cut into that box or tank are you trained
17 to do anything to be sure that there are no gases enclosed in
18 that tank or in that box?

19 A. No.

20 Q. Before you began welding on the deck on the day this
21 accident happened, did you tap the deck or in any way
22 determine whether or not there was a hollow space under the
23 area where you were welding?

24 A. No.

25 Q. Is that a common procedure that you follow whenever

1 you weld on the deck to determine whether or not there might
2 be a hollow space underneath it?

3 THE INTERPRETER: I don't understand the question.

4 MR. VALLE: Neither do I.

5 Q. Have you been trained to determine whether or not
6 there is a hollow space underneath decks or between bulkheads
7 where you were asked to weld aboard the ship?

8 A. No.

9 (WHEREUPON, a brief off-the-record discussion was
10 had.)

11 BY MR. VALLE:

12 Q. Mr. Naranjo, we got off track in the chronology of
13 the event. We got into talking about how the incident
14 occurred a little earlier than I wanted to. Let's back up a
15 little in time.

16 Between 1992 and 1997 other than the welding test
17 that you took were you given any other type of instruction or
18 did you receive any other type of training in welding and,
19 specifically, in welding aboard a ship?

20 A. No.

21 Q. Other than this particular accident have you ever
22 injured yourself by way of an accident before in your
23 lifetime and let me tell you what I mean by that. All of us
24 have bumps and bruises as we grow up and minor cuts and
25 scratches as we grow up. Things like that, I'm not concerned

1 with those types of accidents, those types of injuries.

2 I would like to know if you ever injured yourself in
3 an accident, other than this case, where the injury
4 was significant enough that you had to seek medical care?

5 A. No.

6 Q. In your answer to interrogatories you indicate that
7 you may have had a foot injury while you worked at Bradford
8 Marine. Do you recall anything about that?

9 A. Yes, I injured my foot. I had an accident where I
10 injured my foot.

11 Q. That's the type of thing that I was asking you
12 about?

13 A. Oh.

14 Q. Have you ever injured your back or your neck prior
15 to the time that you were involved in this accident?

16 A. Not before the accident, no.

17 Q. Can you tell me, again, what year it was that you
18 came to the United States?

19 A. In December of '81.

20 Q. There seems to be an indication from North Broward
21 Hospital records that you had a prior neck x-ray in '1977.

22 Would that, perhaps, be another Henry Naranjo or was
23 this you?

24 A. It was me.

25 Q. How did you have x-ray in 1977 at Broward General

1 Hospital when you had not come to the United States?

2 A. No, in '97 - excuse me.

3 Q. I meant the Broward General records that indicate
4 you had a prior x-ray of your neck in 1977?

5 A. No.

6 Q. That was a different Henry?

7 A. Yes.

8 Q. Your diagnostic tests in this particular case have
9 suggested that you had a prior or old injury in your low
10 back. Can you recall having injured your low back at any
11 time prior to this particular case?

12 A. Before the accident, I never hurt my back.

13 THE INTERPRETER: I'm sorry: I said I never hit my
14 back.

15 MR. VALLE: I hate to do this.

16 MR. FAMULARI: Are those North Broward medical
17 records?

18 MR. VALLE: Yes. The Broward General Medical
19 Center.

20 MR. FAMULARI: You know what is here this is the
21 1977 - look what date was signed, you know.

22 MR. VALLE: But it said that "Did you have previous
23 x-rays."

24 (WHEREUPON, the above referenced document was
25 marked as Defendant's Exhibit No. 1 for

1 Identification.)

2 BY MR. VALLE:

3 Q. Mr. Naranjo, looking at the document that has been
4 marked Defendant's Exhibit No. 1 and tell me if that is your
5 signature in the lower left-hand corner?

6 A. Yes.

7 Q. Now, if you look up - If you look up to Item 3 there
8 is a question as to whether or not you had prior x-rays taken
9 at that hospital; and the answer there seems to be, Yes; and
10 you had x-rays taken in 1977.

11 My question is: Did you provide that information to
12 the hospital as it is reflected on the form?

13 A. No.

14 Q. When you signed that form did it have the answer on
15 it.

16 A. I - when I signed the form it was not written there.
17 I don't know why the date is there.

18 Q. So it is your testimony that you have never injured
19 your back or your neck prior to the time that this particular
20 accident occurred; is that correct?

21 A. That's correct, not before.

22 Q. Did you ever have any problems with your back before
23 this accident happened, pain?

24 A. No.

25 Q. Spasms or any type of limitations with lifting or

1 twisting?

2 A. No.

3 Q. Did you ever have any pain or numbness in either one
4 of your legs prior to the time this accident happened?

5 A. Not before the accident, no.

6 Q. Here is one of those silly questions, okay. Have
7 you every been examined or treated for any type of substance
8 use or abuse prior to the time that this accident occurred?

9 A. No.

10 Q. Do you know what I mean by that?

11 A. Yes, sir.

12 Q. Let me just mention to you anyway, when I say,
13 "Substance use or abuse," I mean alcohol or any type of drugs
14 whether the drugs were prescribed or not. With that in mind,
15 and with that definition or explanation in that context is
16 your answer still the same, that you had never been examined
17 or treated for any kind of substance abuse or use?

18 A. I was never tested but when the accident happened, I
19 was tested.

20 Q. I mean in your lifetime prior to this accident?

21 A. No.

22 Q. I'm not asking if you ever had a beer. I mean did
23 you come under the care of a doctor or any type of medical
24 person because of what they considered to be an abuse of
25 alcohol or drugs?

1 A. No.

2 Q. On the day that the incident occurred, prior to the
3 incident, did you consume any alcohol?

4 A. No.

5 Q. Were you taking any type of medication?

6 A. No, sir.

7 Q. At the time that this accident happened did you have
8 a doctor that you referred to as your family doctor?

9 A. Yes.

10 Q. Who was that doctor?

11 A. Louisa Stern.

12 MR. KALLEN: Spell that one.

13 MARLENE RAMIREZ: S-T-E-R-N.

14 Q. Louisa Stern.

15 Where is Louisa Stern located?

16 A. In North Miami, I'll give the address to my
17 attorney.

18 Q. Is this the doctor that you and your family went to
19 for colds and the flu and other things that came up?

20 A. Yes, sir.

21 Q. When you were working for Bradford Marine did they
22 have a health plan?

23 A. Yes.

24 Q. Were you cover by their health insurance while you
25 worked there?

1 A. Yes.

2 Q. What was the name of the company, do you recall?

3 A. AvMed.

4 Q. Were you part of the program, part of the AvMed
5 program?

6 A. Yes.

7 Q. Did they give you a little card with your number on
8 it and your group number on it?

9 A. Yes, sir.

10 Q. Do you happen to still have that card?

11 A. Yes, but not here.

12 MR. FAMULARI: I'll get it for you.

13 Q. Who was in charge of health claims at Bradford
14 Marine?

15 A. Repeat the question.

16 Q. If you had a problem, if you had to go to a doctor,
17 and you had to fill out the paperwork was there anybody at
18 Bradford Marine in charge of that type of paperwork?

19 A. No, I would make an appointment with my doctor; and
20 I would let my boss know and that's all.

21 Q. There was a woman who did most of the administration
22 at Bradford Marine. Do you recall her name?

23 A. I think her name was Thelma. She knows all about
24 the insurance.

25 Q. Other than this particular lawsuit have you ever

1 made a claim against any person or company for damage as a
2 result of a personal injury to either yourself or any member
3 of your family?

4 A. No.

5 Q. Have you ever been involved in any litigation or any
6 lawsuit like this?

7 A. No, sir.

8 Q. I bet that you wish that you were not involved in
9 this one.

10 Do your children attend school?

11 A. Yes, sir.

12 Q. Where do they go to school?

13 A. The older one is in high school called McArthur.
14 The other one Height's boulevard. Heights Boulevard
15 Elementary.

16 Q. To your knowledge have either your wife or your
17 children had to seek any type of counseling for any reason
18 whatsoever since your accident?

19 A. No.

20 Q. Have you either worked or looked for employment at
21 any time since this accident happened on July 7, 1997?

22 A. I worked at the company until January of 1999.

23 Q. When did you start working for the company?

24 A. After the accident the doctor ordered me to do
25 light-duty work in about five months after the accident. It

1 is the same company, Bradford.

2 Q. How long did you work for them at that time?

3 A. I would like to explain. When I felt really bad I
4 went to the doctor; and the doctor would tell me not to go to
5 work, and sent me he the get more therapy. After several
6 months he was - the doctor would sent me back to work. I
7 don't know what period of time.

8 Q. Give me your best estimate as to how long that you
9 worked for Bradford Marine after you began your light-duty?

10 A. I can't estimate the time.

11 Q. Was it weeks or months?

12 A. Months.

13 Q. What caused you to stop working?

14 A. Because they thought that I could not do the work
15 and they told me that they don't have me there in this
16 company under those circumstances.

17 MR. FAMULARI: Who exactly told you?

18 BY MR. VALLE:

19 Q. Who exactly told you that?

20 A. In a letter that I got that was signed by my boss at
21 the time and by the president of the company.

22 Q. Do you still have a copy of that letter?

23 A. I have a copy, yes.

24 MR. FAMULARI: I'll get it.

25 Q. What kind of work did they have you doing when you

1 returned to work at light-duty at Bradford Marine?

2 A. I really couldn't do anything because of the pain.
3 First of all I couldn't walk well. I couldn't move around,
4 and welding work always requires strength, et cetera; and
5 they saw that I could not do the work.

6 Q. My question was: When you returned to work at
7 Bradford Marine what type of light-duty work did they have
8 for you?

9 A. They gave me easy jobs. Like, really, they never
10 gave me anything hard to do.

11 Q. What sort of thing did they ask you to do as part of
12 your job as light-duty?

13 A. I was in - What do you call this department? Is,
14 well - I was packing. Pack rags in boxes. That was,
15 basically, all that I had to do.

16 Q. Pack rags into bags?

17 A. Yes, take them out of the box and put them in a bag.

18 Q. Were you doing any welding work for them?

19 A. No.

20 Q. Who was the supervisor on the light-duty job?

21 A. I don't remember the name.

22 Q. What is the name of the gentleman that you worked
23 directly for at Bradford Marine at the time that this
24 accident happened?

25 A. Tony watson.

1 Q. What is his position at Bradford?

2 A. He is the boss of the welders, chief, head.

3 MR. FAMULARI: Chief welder. He is no longer with
4 Bradford.

5 Q. Chief welder. Okay.

6 Have you ever been examined or treated by a
7 psychologist or psychiatrist for any reason?

8 A. Yes.

9 Q. When was that?

10 A. After the accident.

11 Q. How about before the accident?

12 A. No.

13 Q. We'll get to that as well.

14 Let's now turn to the vessel that this accident
15 happened on.

16 MR. KALLEN: Let me object to the form of the
17 question.

18 Q. Let's now turn to the vessel on which this accident
19 happened.

20 MR. KALLEN: Same objection. Why don't we call it a
21 structure. That's fine. Call it what you will.

22 MR. VALLE: I'll call it a boat.

23 MR. KALLEN: I just wanted to say something.

24 BY MR. VALLE:

25 Q. Let me rephrase the question. Prior to this

1 accident how long had you been working on the vessel on which
2 the accident occurred?

3 A. Several months.

4 Q. Can you describe the vessel for us, please? What
5 type of boat was she?

6 A. No, I can't.

7 Q. You can't describe it?

8 A. I know it is 80 feet long.

9 Q. Motor boat or sail boat?

10 A. Motor boat.

11 Q. Your attorney has described it as a sports
12 fisherman.

13 That's a big boat with a couple of chairs in the
14 back; and used, generally, for fishing; is that the kind of
15 boat that it is?

16 A. Yes, that is the type of boat.

17 Q. How many engines does it have?

18 A. Two.

19 Q. What type of work did you do aboard that particular
20 vessel before this accident happened in the month that you
21 worked on it, several months?

22 A. Repairs.

23 Q. What kind of repairs?

24 A. I removed a seal from a door and put another one to
25 make the instrument console. I worked in the engine room

1 also, and putting on sprockets. Simple things but usually
2 repairs.

3 Q. When you worked in the engine room did anyone
4 certify the engine room as gas free before you began working
5 there?

6 A. It was certified.

7 Q. How do you know that?

8 A. Because there is always a paper posted.

9 Q. When you were given a job to do on this particular
10 vessel would there be any paperwork that would describe what
11 you were supposed to do that you either filled out or worked
12 with?

13 A. No, I always had to see the captain; and he told me
14 what I had to do; and he instructed me.

15 Q. Did you fill out the work order?

16 A. After the job I filled out a work order.

17 Q. Did you kept track of your time that way, correct?

18 A. Yes, my time.

19 Q. Did you describe the job that you had performed on
20 the work order?

21 A. Yes.

22 Q. In other words if I go to Bradford Marine and say,
23 Give me the document that shows me what Mr. Naranjo did on
24 that particular vessel before this accident; then she should
25 have a record of the work that you did, correct?

1 A. Yes.

2 Q. What do they call those documents at Bradford
3 Marine? Do they call them work orders or do they call them
4 invoice or vouchers or what do that they call them?

5 A. It's like a work order.

6 MR. FAMULARI: Larry, do you have those. We got a
7 package last week from somebody.

8 MR. VALLE: I got a whole - I don't know if it is
9 posted or free - I don't know if it is after the
10 explosion or before, but I got a thing that thick with
11 all kinds of invoices and descriptions of work done to
12 the vessel. But, very frankly, I have not looked
13 through them as far as the dates go.

14 MR. FAMULARI: I think it was before and after.

15 MR. KALLEN: That was something that you just got
16 in?

17 MR. VALLE: I got it in response to a request for
18 production.

19 MR. FAMULARI: They didn't send it to you, John?

20 MR. VALLE: It's about that high, descriptions and
21 invoices.

22 MR. KALLEN: Send me a copy somebody.

23 MR. VALLE: Sure.

24 (WHEREUPON, a brief off-the-record discussion was
25 had.)

1 (WHEREUPON, the testimony requested was read back
2 by the reporter as recorded.)

3 BY MR. VALLE:

4 Q. What information would you put on the work order
5 that you completed?

6 A. What I did and how long it took.

7 Q. If you did an air evacuation of the area - Strike
8 that.

9 Other than on that particular day, in all of the
10 jobs that you did aboard the vessel before this accident
11 occurred, did you ever find it necessary to perform an air
12 evacuation of any other area where you had welded aboard that
13 ship?

14 A. Yes.

15 Q. On how many occasions did you do that?

16 A. Always.

17 Q. What type of equipment do you have available to you
18 for that air evacuation that we're here talking about?

19 A. A blower with a hose. You extract gases or smoke.

20 Q. How many hoses and what size?

21 A. Two and they're about 8 inches.

22 Q. 8 inches in diameter?

23 A. Yes.

24 Q. What type of blower?

25 A. I don't know the brand name.

1 Q. Was it electric or a gasoline?

2 A. Gasoline.

3 Q. Was the blower located on board the vessel; or did
4 you have to bring it on board the vessel; or was the blower
5 located off the vessel and you just bring on the lines?

6 A. We had to bring it and install. We installed all
7 the equipment for that.

8 Q. Who was it that determined how long this area had to
9 be evacuated before you could begin welding?

10 A. Nobody decided it. It was just known that it had to
11 be, well, the time it was about a couple of hours.

12 Q. How did you learn to do that?

13 A. One learned there in the company.

14 MR. KALLEN: Say that again.

15 MR. VALLE: One learned there in the company.

16 Q. Did anyone give you a specific instruction as to
17 when and how to use the air evacuation system?

18 A. Yes.

19 Q. Who instructed you as to what to do?

20 A. Tony Watson.

21 Q. And when was that?

22 A. Whenever there is a job to be done he requires that
23 it be done for your safety.

24 Q. I use the word "instructed." I probably should have
25 used a different word.

1 Who showed you how to use the equipment when you
2 first used it back at the beginning of your employment with
3 Bradford?

4 A. My boss at the time.

5 Q. Who was that?

6 A. The first one that was there, I don't remember the
7 name.

8 Q. How do you determine how long that you should use
9 the equipment before beginning welding?

10 A. I don't understand the question.

11 Q. Okay. How do you know like - Strike that.

12 In this particular instance, before you began
13 welding on the day that this accident happened, how long did
14 you use the air evacuation equipment before you began
15 welding?

16 A. I installed it in the morning on the day of work in
17 the afternoon. So it would have been on some five or six
18 hours.

19 Q. How did you know to put it on for five or six hours
20 as opposed to an hour or opposed to 10 hours?

21 A. Whenever one is going to do a job one installs all
22 the safety equipment before starting a job; and take several
23 hours and leave it installed there.

24 Q. But how did you know for how many hours to leave the
25 equipment operating before beginning your welding?

1 MR. DAPENA: But you want to ask in Spanish.

2 Q. Go ahead?

3 A. There is no way to determine for a location. First
4 one always ventilates the area well for a precaution for a
5 period of more than an hour or several hours.

6 Q. Let's assume that you are going to be welding in a
7 small area, in closet or something?

8 A. (Uh-huh).

9 Q. How would that - Strike that.

10 How would you use the smoke or air evacuation system
11 in that small area as opposed to in a larger area such as the
12 lazarette?

13 A. Could you repeat the question?

14 Q. Let me rephrase it. I take it on this vessel, as on
15 any other vessel you worked in, there were areas that were
16 smaller and areas that were larger?

17 A. Yes.

18 Q. How would you know how much time to use the air
19 evacuation equipment in small areas and in larger areas?

20 A. I don't know how to answer that.

21 Q. Well, I mean how do you know how long to use the air
22 evacuation equipment on a given area that you would be
23 welding in?

24 A. I don't still - don't know how - I know that I
25 install it. At the time that one decides to use the

1 equipment, one doesn't know.

2 Q. Okay. That's sort of where I was going with the
3 next question.

4 When you finish using the air evacuation equipment
5 how do you know that the area is safe at that time?

6 A. In this particular case where I worked, I was sure
7 of what I was doing because of the order that I got from the
8 captain that was a safe area. There was nothing there. But
9 in any case I take my precautions without him telling me to
10 install the equipment.

11 Q. At the end of the period of time that you think the
12 evacuation equipment was necessary did you perform any test
13 or do you have any other way of determining whether or not
14 you need to use the system for a longer period of time?

15 A. No, I didn't have to know anything. That was not my
16 job.

17 Q. You didn't light a match or anything like that?

18 A. No.

19 MR. FAMULARI: I think what might be confusing him
20 a little bit is - I might be wrong about this - is that
21 the air extraction equipment - I don't think that they
22 shut it off when they are welding. I think it is kept
23 going on when welding, especially, the lazarette - I
24 think that it is continued going.

25 Q. While you were welding on board the ship would you

1 have to disconnect and remove the air evacuation equipment or
2 was it continuously operating when you were welding?

3 A. I would leave it turned on and then I would take it
4 out - take away.

5 Q. When would you take it away?

6 A. At the end of the job.

7 Q. When the explosion occurred in this case was the air
8 evacuation system in operation?

9 A. Yes.

10 Q. If you were going to work in the smaller areas, as
11 opposed to larger areas, did you ever adjust the amount of
12 time that you would allow the air evacuation system to work
13 before you began welding?

14 A. What do you mean "Adjust the time".

15 Q. Let's assume that you worked in a small area. How
16 long would you leave the air evacuation system on in the
17 smaller areas as opposed to an area the size of this room?

18 A. Whatever time is necessary to do the job.

19 MR. KALLEN: Larry, his testimony is that he keeps
20 it on all the time on all welding jobs.

21 MR. FAMULARI: I think that is what he is saying.

22 MR. VALLE: I want to know how long that he keeps
23 it on before he fires up the torch.

24 MR. FAMULARI: Why don't you ask him, Did he keep
25 it on longer in the engine room than in the lazarette?

1 I assume the engine room is larger than the lazarette.

2 BY MR. VALLE:

3 Q. Who makes the decision as to when it is safe to
4 light up the torch?

5 THE INTERPRETER: What do you call the "torch"?

6 MR. DAPENA: Tell him the welding torch.

7 THE INTERPRETER: I want to tell him but I don't
8 know if that was the right word.

9 MR. VALLE: Okay.

10 THE WITNESS: The person doing the job makes that
11 decision depending on the instruction received from the
12 person giving the job.

13 BY MR. VALLE:

14 Q. You agree with me there are a lot of gases,
15 inflammable gases, that you can't smell and that you can't
16 tell that are present in an area?

17 A. Yes.

18 Q. My last question before lunch is going to be: How
19 do you know before you light your torch, how do you know that
20 it's safe to light the torch and that the gases have been
21 evaporated?

22 A. I wouldn't know because I don't have a gas detector.

23 (WHEREUPON, a brief lunch recess was had.)

24 MR. VALLE: Ready to go. Read back the last
25 question and answer.

1 (WHEREUPON, the testimony requested was read back
2 by the reporter as recorded.)

3 BY MR. VALLE:

4 Q. On the - Strike that.

5 For several months that this vessel was at Bradford,
6 before the accident happened, were you aware that other work
7 was going on aboard the vessel?

8 A. Yes.

9 Q. Were you aware that work such as varnishing,
10 lacquering, or paint removal was taking place?

11 A. Yes.

12 Q. In those processes that I have just discussed, you
13 will agree with me, will you not, there is flammable fluids
14 that are used?

15 A. Yes.

16 Q. Were you aware of any spillage of any type of
17 flammable fluid in the area where you were working in the
18 lazarette or around that area before the date of accident?

19 A. No.

20 Q. Did you happen to notice whether or not there was a
21 can of acetone - Strike that.

22 Are you familiar with the fluid known as acetone?

23 A. Yes, I am familiar with that.

24 Q. Tell me what that is used for?

25 A. I've seen it there. I don't know what it is used

1 for. It is used by the painters.

2 Q. Were you aware or did you become aware before this
3 accident as to whether or not a can of acetone had been
4 knocked over or had spilled in this area where you were
5 working before the accident occurred?

6 MR. FAMULARI: Object to form.

7 A. No. No.

8 Q. When you were in this area before you began welding
9 on the date this accident happened, did you encounter any
10 unusual smells?

11 A. No.

12 Q. How often during the course of a week - Strike that.

13 In the week before this accident happened how often
14 did you find yourself performing work aboard this vessel?

15 A. Several times.

16 Q. On a daily basis were you there every day or every
17 other day?

18 A. Almost every day.

19 Q. Was the vessel in dry dock?

20 A. No, it's in the water.

21 Q. So it was outside then?

22 A. In the water.

23 Q. What areas of the vessel did you work on before you
24 were asked to weld in the lazarette?

25 A. I worked in the engine room, and I worked in the

1 hall. I worked in the part where the top part - where the
2 instrument panel is, the bridge. That's all.

3 Q. Please forgive me. I don't mean to keep going back
4 to this but I want to clear something up in my mind. You
5 have told me that you always use the air evacuation system
6 before you began welding?

7 A. Yes, sir.

8 Q. How did you know for how long to use the air
9 evacuation system before you began welding in the different
10 areas where you worked?

11 A. One does not decide the time. The first thing that
12 you do is install. One does not determine the time.

13 Q. Well, you installed the air evacuation system,
14 correct?

15 A. Yes.

16 Q. How would you know how long to keep it running
17 before you lite your torch so to be sure the area is safe?

18 THE INTERPRETER: He says a minimum or maximum?

19 THE WITNESS: There is no minimum. I don't know.

20 BY MR. VALLE:

21 Q. How do you know when you light your torch you know
22 that you're not going to blow up?

23 A. Because if they send me to do the job there I was
24 sure what I was doing because the captain told me. Because
25 he told me there was no - I asked the captain before starting

1 work, if there were any tanks or fuel lines there; and he
2 told me, no. The only thing that he told me was there was
3 concrete and an aluminum sheeting plate.

4 MR. VALLE: He used the word "flush."

5 A. Right on top of the concrete.

6 MR. KALLEN: Would you mind repeating that answer?
7 Because I'm not sure of what was - it was broken up.

8 (WHEREUPON, the testimony requested was read back by
9 the reporter as recorded.)

10 THE INTERPRETER: Aluminum sheet or not sheeting.
11 He said there was a "no" in there that he said. He
12 asked the captain if the fuel line on the tanks; the
13 captain said, no. The only things is --

14 MR. KALLEN: Was concrete and aluminum sheets or
15 plates on top. Okay.

16 BY MR. VALLE:

17 Q. Let's just for the moment forget this accident.

18 A. Okay.

19 Q. Let's go back to when you were welding in the engine
20 room. You said that the engine room was certified gas free,
21 correct?

22 A. Yes.

23 Q. Did you still use the air evacuation system in the
24 engine room before you started welding?

25 A. Yes.

1 Q. Why?

2 A. They taught us there in the company that it was
3 usual to use it for safety reasons and for our own safety.

4 Q. How did you know when you were in the engine room
5 when it would be safe to turn on your torch after the air
6 evacuation system had been on for some time?

7 A. One is sure of whatever one is doing because of the
8 instruction that one has received; and one is more confident
9 of safety when there is a piece of paper certifying.

10 Q. Is there any test that you did, any test at all, to
11 determine when it would be safe to turn on your torch in any
12 of the areas where you welded on that ship?

13 A. That one would do a test oneself, no; there is none.

14 Q. As I understand it, you used the air evacuation
15 system for a period of time; and it could vary from two hours
16 to five hours. There was no set period?

17 A. Yes, that's correct.

18 Q. Then whatever time you decided to begin welding
19 there was no test to determine if the area had been totally
20 evacuated from any gases that had been there before you
21 started welding, correct?

22 A. Yes.

23 MR. VALLE: You have to do it in English.

24 MR. DAPENA: What I am saying is that you asked
25 whether there was a test performed.

1 She is saying were there any way of knowing but you
2 wanted to know if it is a specific test?

3 MR. VALLE: Was any testing performed before he
4 cranked up.

5 MR. DAPENA: The test performed --

6 THE WITNESS: That's not my job.

7 BY MR. VALLE:

8 Q. When did you consider it safe to begin welding on
9 the day that the accident happened? Did you consider it safe
10 when the captain told you there was no tanks and no gas in
11 the area; there was no fuel line in the area? Did you
12 consider it safe at some point after the air evacuation
13 system had been on?

14 A. When he told me and I had a lot of confidence in
15 him, and that's why I proceeded to do the job.

16 Q. Approximately, what time of day was it when this
17 accident happened?

18 A. It was after three in the afternoon.

19 Q. You were working for Bradford Marine full-time at
20 that time?

21 A. Yes.

22 Q. In the document that we have reviewed it appears
23 that you were earning in the area of \$640 per week; is that
24 right?

25 A. For 40 hours, yes. When I did overtime, it was

1 higher.

2 Q. So \$640 was your base pay?

3 A. Yes.

4 Q. That was for a 40-hour week?

5 A. Yes.

6 Q. In the year before this accident happened were you
7 working for anybody other than Bradford Marine?

8 A. No, I only worked for Bradford.

9 Q. Do you have any independent recollection - Let me
10 get that simpler: Do you have a memory of how this accident
11 happened?

12 A. Yes.

13 Q. When did your memory concerning the accident come
14 back?

15 A. Several seconds went by after the accident, and I
16 remember what happened.

17 Q. It appears in the medical records in a number of
18 places that you have no recollection as to how the accident
19 happened; is that not accurate?

20 A. It is correct what it says there because I was about
21 to lose unconsciousness and they kept me a wake. On several
22 occasions I was losing consciousness. That's when they took
23 me to the hospital.

24 Q. In the hospital the records say, pretty clearly in
25 four places, that you have no recollections of the event; are

1 those records inaccurate or not correct?

2 A. That's correct.

3 Q. My question: When did you begin recalling how the
4 accident happened?

5 A. After it happened - After it happened this is the
6 first thing that I felt was a lot of pain. I think several
7 hours went by but I was more focused on the pain than what
8 was happening to me. But I don't remember really - later, I
9 remembered. But I don't remember what happened.

10 Q. Can you remember telling anybody in the hospital
11 that you had know recollection as to how that accident
12 occurred?

13 A. No, I don't remember.

14 Q. You don't remember telling anybody that?

15 A. There was so much time - It has been three years. I
16 don't remember.

17 Q. Is it your testimony today that as of a minute after
18 this accident happened that you recall exactly how it
19 occurred?

20 A. I remember that they took me out. Somebody got me
21 out of there; and somebody took me out from where I was
22 working at the time; and they helped me.

23 Q. Why don't you tell me, Mr. Naranjo, from the time
24 that you arrived or that you got on the vessel on the day of
25 the accident until the time that the incident happened, tell

1 me what you did and how you did it?

2 A. Well, I left my house and to go to work. And when I
3 got there my boss, Tony Watson, told me to go see Captain
4 John Bredbec because he has a job for you.

5 He showed me the work area; and all the questions
6 that I asked him about safety, about whether there was a
7 tank, a gas tank, or oil tank.

8 Q. Tell me to the best of your recollection what you
9 asked him and how that he responded?

10 A. I understand from what people tell me in English
11 than what I can say.

12 Q. Tell me in Spanish what you said to him and what he
13 said to you?

14 A. When I went to see him I asked him if he had
15 something for me; and he said, yes. So he took me to the
16 lazarette area, and he told me to put up the aluminum
17 brackets and to weld them where he showed me.

18 So I asked him whether there were tanks or some fuel
19 lines. And he told me, no; what is there is concrete and a
20 sheet, flush on the concrete. He told me the measurements,
21 the brackets.

22 So I started to prepare the area; and while I was
23 preparing the area there several hours went by and in the
24 mean time I was - I made several plates; and when I finished
25 making the plates I went and installed them there.

1 Sometime after three in the afternoon, I started
2 welding. I welded to the first point and when I got to the
3 second one that is when the explosion happened.

4 After that I realized that they were taking me out.
5 They told me don't go to sleep and they shook my face.
6 That's when they took me to the hospital.

7 Q. Let me stop you there. You say that you made the
8 plates. How do you make the plates?

9 A. I made them in the welding shop.

10 Q. You didn't make them on the ship?

11 A. No. I took them there and welded them to install
12 them.

13 Q. What kind of metal were the plates made out of that
14 you prepared that day?

15 A. Aluminum.

16 Q. What type of deck were you welding on?

17 A. Aluminum.

18 Q. What type of welding torch were you using?

19 A. It's called a welder. Use argon and it's electric
20 and with an aluminum wire.

21 Q. Was this the type of torch and type of wire that you
22 were accustomed to using?

23 A. Yes, sir.

24 Q. Did you use any equipment on the day this accident
25 happened that you were not familiar with?

1 A. No, I always used the equipment that I know.

2 Q. Was any air evacuation equipment being used anywhere
3 else on that ship, to your knowledge, when your accident
4 occurred?

5 A. I don't know.

6 Q. You said that you welded - You had already welded
7 one spot?

8 A. Yes, I welded one spot and the second one was when
9 it happened.

10 Q. Tell me what you did when you welded that first
11 point - I'm not a welder, so explain it to me like I'm a
12 student and you're a teacher?

13 MR. FAMULARI: Explain how you welded the plate.

14 Q. From beginning to end?

15 MR. FAMULARI: The point. There is a way to do it.

16 A. This is the plate (indicating) and I put on my mask.
17 And I put my hand here to hold it so that it won't lift up
18 (indicating). I take the torch and I aim it at the first
19 spot on this side (indicating). Then I do the other corner
20 and that's when this explosion happened.

21 Q. Were you involved in what they call "Spot welding"?

22 A. What is that?

23 Q. When you don't weld all the way around and when you
24 weld point-to-point?

25 A. What I know from experience is that first that you

1 do one, two, three, four, the four corners; then you begin to
2 weld all the way around; and that's the idea.

3 Q. When you weld the first point do you know whether or
4 not your torch penetrated the deck?

5 A. It is very hard to see when it enters. You can't
6 tell if the wire is going through or not. You're not
7 underneath.

8 Q. No, what I wanted to know, do you know - if you
9 don't know, that's fine - I wanted to know do you know
10 whether or not your torch penetrated the deck when you welded
11 the first point?

12 MR. FAMULARI: Object to form. What do you mean by
13 "Penetrated the deck"? When he struck it and did it
14 blow a hole through the deck; or it was just a bond
15 between the plate and the deck?

16 MR. VALLE: No, I mean penetrated the deck.

17 MR. FAMULARI: You want to know if he blew a hole
18 through the deck?

19 MR. VALLE: Or whether he knows if he did.

20 THE INTERPRETER: Or whether he torched open the
21 hole?

22 MR. VALLE: Let's start off - You can probably ask
23 it better than I do.

24 BY MR. VALLE:

25 Q. Do you know whether or not your torch penetrated the

1 deck and put a hole in the deck plate when you welded that
2 first point?

3 A. No.

4 MR. FAMULARI: You don't know?

5 MR. VALLE: He doesn't know.

6 THE WITNESS: No, I don't know.

7 BY MR. VALLE:

8 Q. Do you know whether or not your torch penetrated the
9 deck plate when you were beginning to weld the second point?

10 A. I don't know.

11 Q. Give me your best estimate in seconds or minutes as
12 to how long that you were welding at the second point before
13 the explosion occurred?

14 A. It was fast. It was here and there. Very fast.

15 Q. You know I don't know about welding. Tell me how
16 long that it takes? How long did it take to weld the first
17 point?

18 A. It's seconds.

19 Q. Five or ten?

20 A. One second - One second or less.

21 MR. FAMULARI: When you tack something -

22 MR. VALLE: I need to know.

23 A couple of seconds?

24 MR. FAMULARI: One second?

25 THE WITNESS: It's very fast.

1 BY MR. VALLE:

2 Q. Was it just as quick when you welded the second
3 point before the explosion?

4 A. Yes, sir.

5 Q. So you welded the first point; and then you went to
6 the second point on the plate, the second corner; and you
7 welded it for a second before the explosion?

8 A. More or less, a second, yes; is the accident
9 happened. That's what one usually does on these jobs.

10 Q. You were holding your torch in direct contact with
11 the deck plate or in direct contact with the bracket that you
12 were going to weld on the deck or were you - Strike all that.

13 When you're welding a point, as you were on this
14 particular incident, tell me in detail how that you go about
15 doing that?

16 MR. FAMULARI: Pretend this is the plate and that
17 this is the deck (indicating).

18 MR. VALLE: Fine.

19 MR. FAMULARI: Here is your torch.

20 A. This is my hand (indicating). This is the plate.
21 Up there it is aluminum (indicating). When I aim the torch
22 here, that comes up, so I have to hold it down with my hand
23 (indicating). So I weld it here and just like that
24 (indicating).

25 MR. KALLEN: Does the gun touch the plate?

1 Q. Does the welding gun touch the wire? You're welding
2 with wire, correct?

3 A. Yes.

4 Q. Are you melting the wire with the welding gun or are
5 you touching the deck or touching the plate that you're
6 welding onto the deck?

7 A. You start with the plate and then the deck.

8 Q. Where does the welding material come from, the wire?

9 A. It's aluminum.

10 Q. How does the aluminum wire get melted?

11 A. With the heat.

12 Q. Is the wire attached to - (indicating)?

13 A. (Indicating) This is the torch and this is a roll of
14 wire; and it comes down here (indicating). There's argon
15 here and electricity (indicating); and then that's when the
16 electricity causes a circuit and then it melts; and that's
17 how that I understand it.

18 Q. The welding process is melting the aluminum to join
19 with aluminum on the deck and on the plate, correct?

20 A. Yes, that is correct.

21 Q. Is it necessary in the process for your torch to
22 come in direct contact with the plate that you're welding
23 onto the deck or the deck itself?

24 A. It has to contact both of them otherwise where you
25 welded it, it might crack.

1 Q. Does the welding torch soften up the aluminum on the
2 plate and the aluminum on the deck to be able to join with
3 the wire?

4 A. In this case that is a question of chemistry but I
5 don't know.

6 Q. Do you ever apply - Why is it that you apply that
7 torch to the deck?

8 A. This is the aluminum sheet and this is the aluminum
9 plate (indicating); you have to fuse the two.

10 MR. FAMULARI: I think I can ask him a quick
11 question to clear it up?

12 MR. VALLE: Go ahead.

13 MR. FAMULARI: Henry, the aluminum wire, does it
14 have to hit the plate to complete the electric circuit
15 that lights up the gas?

16 THE WITNESS: Yes.

17 MR. FAMULARI: You have to have a completed
18 electric circuit - is there a lead hooked to the plate
19 some place, a second lead, a ground?

20 THE WITNESS: A ground.

21 MR. FAMULARI: With the ground?

22 THE WITNESS: The ship is aluminum. So I find - I
23 find a bracket or a post and attach it there; and
24 that's the ground, so that makes energy when I make
25 contact.

1 BY MR. VALLE:

2 Q. What you're telling me is that until you make
3 contact with the tip of the torch onto to plate or onto the
4 deck there is no heat?

5 A. That's right. There is no heat until I make
6 contact.

7 (WHEREUPON, a brief off-the-record discussion was
8 had.)

9 BY MR. VALLE:

10 Q. How thick is the deck?

11 MR. FAMULARI: How thick is the aluminum deck?

12 A. Can I explain something?

13 Q. Go ahead.

14 A. One knows from the kind of aluminum how much heat to
15 use.

16 MR. FAMULARI: You see that I think that I wrote
17 this question down, and we'll probably have to ask a
18 welding expert. Those machines have different settings
19 and I believe that you set them depending on how thick
20 the plate is and what alloy that you use.

21 BY MR. VALLE:

22 Q. How did you determine how much heat to use in this
23 particular case?

24 A. Starting with what the captain told me that the
25 plate here was a quarter - was a quarter-of-an-inch,

1 aluminum.

2 Q. The deck plate was a quarter?

3 A. The deck plate was a quarter (Witness answers in
4 English).

5 And the plate that I made to install was
6 three-quarters-of-an-inch.

7 Q. So how did that tell you at what setting to put your
8 machine?

9 A. From the years of experience, one knows.

10 Q. What type of wire were you using?

11 A. We used the best quality aluminum.

12 Q. You don't know what kind of aluminum it was?

13 A. I can't guess. It has a number but I don't know
14 what number.

15 Q. Does the type of wire that you use have any bearing
16 on how hot that you make the machine or what setting that you
17 put the machine on?

18 A. No, it does not matter. It could be thick or it
19 could be a thin wire. It does not matter.

20 MR. FAMULARI: He doesn't understand.

21 Q. Does the nature of the material that the wire is
22 made out of have anything to do with how hot that you make
23 the machine?

24 A. Yes, I believe so. Yes.

25 Q. What setting did you have the machine at on the day

1 of this accident?

2 A. A 125 amps. It goes up to 250.

3 Q. What is the range?

4 A. From 1 to 250.

5 Q. From 1 amp or 100?

6 A. It's a dial. From 1 to 250. Number 1 to 250.

7 Q. You then had it at half power?

8 A. Yes, which is sufficient heat to melt the wire with
9 the plates so that it will adhere.

10 Q. If you didn't have to penetrate the plate what does
11 it matter how thick the plate is, in so far, as what dial or
12 what style setting that you're using on the machine?

13 A. One knows more or less what degree of heat is needed
14 for the two parts to melt, so that they are fused.

15 Q. The deck could have been 2-inches thick. It would
16 not have made any difference because of the heat setting that
17 you used?

18 MR. FAMULARI: No.

19 A. No - There it depends if the deck is an inch and the
20 plate is an inch thick you have to heat it more.

21 MR. FAMULARI: I might be able to clear it up.

22 Q. Let's assume the plate is a quarter-of-an-inch or a
23 half-inch plate?

24 MR. FAMULARI: No. It is a quarter.

25 MR. VALLE: The plate or the deck?

1 THE WITNESS: They only use quarter-inch plates.

2 MR. KALLEN: I'm confused. I'm sorry. When you
3 say, "Plates," are you referring to the one that he
4 fabricated or that are welded on the deck?

5 MR. FAMULARI: No. He is talking about the deck.

6 MR. VALLE: Deck plate?

7 MR. FAMULARI: The deck. He said the plate
8 fabricated was three-quarters-of-an-inch, right?

9 THE WITNESS: Three-quarters (Witness answers in.
10 English).

11 BY MR. VALLE:

12 Q. When you weld - I'll rephrase it.

13 THE INTERPRETER: The confusion is because they are
14 all plates.

15 MR. VALLE: I'll rephrase it then.

16 BY MR. VALLE:

17 Q. When you're welding the plate to the deck your
18 welding iron softens the plate and softens the deck so that
19 it accepts the bonding material, correct?

20 A. Yes, that's true.

21 Q. If you don't have to penetrate the deck what does it
22 matter how thick the deck is? If all that you are doing is
23 melting the surface of the deck and melting wire --

24 THE INTERPRETER: You want to make sure that you're
25 not penetrating is the point.

1 MR. VALLE: Let's go off for a second.

2 (WHEREUPON, a brief off-the-record discussion was
3 had).

4 BY MR. VALLE:

5 Q. Let me approach it from a different angle. Assume
6 that the deck was an inch-thick and the plate that you were
7 welding on the deck was three-quarters-of-an-inch thick, and
8 you were using the same wire. What setting do you put the
9 machine at?

10 A. At the highest, 250.

11 Q. Why?

12 A. So that the heat would fuse the wire with the two
13 other materials.

14 Q. We're going to have to talk to a welding expert. I
15 don't want to beat this to death. We could continue on this
16 the rest of the week.

17 MR. FAMULARI: I don't know the answer either, but I
18 know enough about welding that the temperature depends
19 on how thick the metal is because you don't get the
20 proper penetration - by penetrations, I don't mean
21 blowing a hole; but you need a certain penetration to
22 make a bond. You don't want the weld to be too
23 shallow. You don't want it too deep.

24 MR. VALLE: What you're talking about is one
25 second.

1 MR. FAMULARI: To tack it down.

2 MR. VALLE: Yes.

3 THE WITNESS: This had to be strongly welded
4 together because the plate was for some jack cylinders.

5 BY MR. VALLE:

6 Q. How certain are you as to the setting as to what the
7 machine was at when the incident occurred?

8 A. I had done several jobs like that; and from
9 experience, I know.

10 Q. Tell me what - Are you certain that the welding
11 machine was set at a 125 amps when the incident occurred?

12 A. Yes.

13 Q. How do you know?

14 A. I installed it myself. I set it myself.

15 Q. What is your first recollection - Strike that.

16 Do you have a recollection or memory of the
17 explosion itself?

18 A. It was very strong. It was so strong - It was very
19 strong.

20 Q. The first question: Do you remember the explosion
21 itself?

22 A. Yes, I remember. Now, I remember.

23 Q. Did the explosion occur at the corner of the plate
24 that you were welding onto the deck or did it occur
25 elsewhere?

1 A. No, it was right there.

2 Q. Tell me what your first recollection is of the
3 explosion?

4 A. What I remember was that I felt a lot of pain; and
5 that there were a lot of people there shouting that I
6 shouldn't - that I felt like I was falling asleep. They told
7 me not to, and then rescue came and took me to the hospital.

8 Q. When you were feeling a lot of pain, where was the
9 pain?

10 A. In my back and in my foot. I couldn't feel my feet.
11 I couldn't feel anything in either leg; but, especially, the
12 right one.

13 Q. They took you by fire-rescue to the hospital?

14 A. Yes, they took me to the hospital.

15 Q. What hospital was that?

16 A. Broward General.

17 Q. What did they do for you when you arrived at Broward
18 General Hospital?

19 A. They took x-rays and they took blood; and they took
20 blood. I was many hours in the emergency room until they
21 took me to a room, and I was there for a week.

22 Q. Our records show that you were there for about four
23 days?

24 A. Four days. Monday, Tuesday, Wednesday, Thursday,
25 and Friday.

1 Q. You went in on a Monday and came out on the Friday?

2 A. Yes.

3 Q. What did they do for you in the hospital? What kind
4 of treatment did you receive?

5 A. They give me therapy. They did x-rays of my back.
6 Then they sent me home and the insurance sent me to the
7 doctor.

8 Q. What is your understanding of the type
9 of injuries that you sustained in this accident?

10 A. I had three fractured ribs, and I had fractured the
11 L5 S1, which is the lower part.

12 Q. Who told you that you had a fracture of the L-5 S-1?

13 A. The papers from a doctor.

14 Q. What else?

15 A. I had problems in my right leg, in my ankle.

16 Q. What kind of problems?

17 A. The swelling didn't go away and it hurt a lot. My
18 heels hurt a lot when I walk.

19 Q. I'm talking about back in 1997, not today?

20 A. Okay. That was what happened in '97. A lot of pain
21 in my back and in my neck.

22 Q. Did they perform any surgery on you when you were in
23 the hospital for that four to five days?

24 A. No, sir.

25 Q. Which doctor told you that you had a fracture at L5

1 S1?

2 A. Gaetano.

3 MR. VALLE: Off the record.

4 (WHEREUPON, a brief off-the-record discussion was
5 had.)

6 BY MR. VALLE:

7 Q. When you were released from the hospital were you
8 sent home?

9 A. Yes, sir.

10 Q. Were you instructed to follow up with your doctor?

11 A. Yes, sir.

12 Q. Did you follow up with the doctor?

13 A. The insurance company recommended a Dr. Gary
14 Schwartz .

15 Q. Did you go see Dr. Schwartz?

16 A. No.

17 Yes. Yes, but he told me to go back to work. He
18 sent me back to work but I was still sick.

19 Q. When did he do that? When did he tell you, you were
20 able to go back to work?

21 A. About a year later, more or less, almost a year. He
22 sent me to do light-duty.

23 Q. In the year you were treating with Dr. Schwartz the
24 whole time?

25 A. Yes.

1 Q. What kind of treatment did Dr. Schwartz give you?

2 A. He sent me for therapy. He took x-rays. That was
3 all until I kept feeling bad, and I got approval
4 from the insurance to go to another doctor.

5 Q. When Dr. Schwartz released you to return to work was
6 that for light-duty?

7 A. Yes.

8 Q. How long did you work at light-duty at Bradford
9 before you felt the need to go back to another doctor?

10 A. About two months.

11 Q. What doctor did you see after that two months?

12 A. Gaetano, Scuidero.

13 Q. Has Dr. Scuidero remained your treating doctor from
14 that time until the present time?

15 A. Yes, sir.

16 Q. Were you examined by any other doctors or
17 physicians, or medical personnel, of any type, other than Dr.
18 Schwartz and Dr. Scuidero as a result of injuries from this
19 accident?

20 A. They sent me to Dr. Bauer -

21 MR. KALLEN: Ballwag.

22 MR. VALLE: B-A-L-L-W-A-G.

23 THE WITNESS: Then then they sent me to Dr.
24 Ballwag.

25 BY MR. VALLE:

1 Q. How many times did you see Dr. Ballwag?

2 A. One time that I think or two times.

3 Q. How about Dr. Felice?

4 A. Several times.

5 Q. When was the last time that you saw Dr. Felice?

6 A. I don't remember.

7 Q. Did you see her last year?

8 A. I think so probably.

9 Q. Is Dr. Felice located in the North Shore Center?

10 A. Yes.

11 Q. What did you Dr. Felice do for you?

12 A. Dr. Felice reviewed my therapy; and for the pain,
13 she recommended a massage machine, TENS --

14 MR. KALLEN: TENS, all caps.

15 A. -- and she suggested that I see a Dr. Henderson. I
16 don't remember the other name. Dr. Hall.

17 Q. You saw Dr. Hall for what problem?

18 A. No. She recommended that I see him to see if that
19 doctor would give me an injection in my back to help the
20 pain.

21 Q. Does Dr. Felice is the one that recommended Dr.
22 Henderson and Dr. Hall?

23 A. Yes, sir.

24 Q. Did Dr. Hall also treat your knee or examine your
25 knee?

1 A. No.

2 Q. Did you eventually go to see Dr. Henderson or Dr.
3 Hall?

4 A. Henderson is a psychologist. I think that is a
5 psychologist.

6 A psychologist, I don't remember exactly (Witness
7 answers in English).

8 Q. What about Dr. Hall? When did you see Dr. Hall?

9 A. Yes, sir.

10 Q. Did you actually see Dr. Henderson?

11 A. Yes.

12 Q. How many times did you see him?

13 A. Once.

14 Q. How many times did you see Dr. Hall?

15 A. Once.

16 Q. What did Dr. Hall want to do for you?

17 A. He wanted to give me an injection in my back, in the
18 lower back.

19 Q. Did you have that injection?

20 A. I don't remember. They were going to do a small
21 operation to do the injection. But I didn't want to because
22 the other operation was very, very recent and I had a lot of
23 pain.

24 Q. Okay. Is that why you did not have an injection in
25 your back that Dr. Hall recommended?

1 A. No.

2 Q. "No" is not the answer; or No, you did not have the
3 injection?

4 A. No, I didn't do it.

5 Q. You saw Dr. Hall after you had your back surgery?

6 A. Yes, sir.

7 Q. Did any of your other doctors, other than Dr.
8 Scuidero, recommend that you have surgery?

9 A. No, Scuidero recommended a second operation. No one
10 else recommend surgery.

11 Q. Did anyone else recommend the first operation?

12 A. No.

13 Q. No.

14 So Dr. Scuidero has been the only doctor that
15 examined or treated you for this accident who ever
16 recommended that surgery; is that correct?

17 A. That is correct.

18 Q. He has recommended that you undergo a second surgery
19 now?

20 A. Yes.

21 Q. Are you going to go through with that?

22 A. Yes.

23 Q. Are you scheduled for it?

24 A. No.

25 Q. Other than the one attempt that you made to return

1 to work at Bradford Marine have you attempted to return to
2 work anywhere else since this accident?

3 A. No. No, senor.

4 Q. What kind of doctor is Dr. Felice?

5 A. I don't know, sir.

6 MR. VALLE: Off the record.

7 (WHEREUPON, a brief off-the-record discussion was
8 had.)

9 (WHEREUPON, a brief recess was had.)

10 MR. VALLE:

11 Q. Mr. Naranjo, other than Broward General Hospital,
12 Dr. Schwartz, Dr. Scuidero, and Dr. Henderson, and Dr. Hall,
13 and Dr. Ballwag and Dr. Felice, have you been examined or
14 treated by any other doctors or physicians or medical
15 personnel of any type as a result of the injuries from this
16 accident?

17 A. Lazaro Guerra.

18 Q. How many times did you see Dr. Guerra?

19 A. About three times.

20 Q. What did Dr. Guerra do for you?

21 A. He recommended therapy treatment.

22 Q. Did Dr. Guerra recommend surgery?

23 A. No.

24 Q. Let's go back to the accident for a second.

25 Were you aware at the time that you were working on

1 the deck in the lazarette as to whether or not any other
2 workers had drilled holes through the deck before you began
3 your work?

4 A. No. No, I checked in the area.

5 Q. When you checked the area, did you see any holes
6 drilled through the deck in the area where you were about to
7 weld?

8 A. No, sir.

9 Q. Is that something that you customarily do as part of
10 your job; that you check to see if there are any holes or any
11 possible gas ventilation or gas access fittings or fixtures
12 before you begin your welding? Forget the question - Strike
13 the question.

14 Is it part of your customary preparation to examine
15 the area where you are going to weld and determine if there
16 are any perforations in the area where you are going to weld?

17 MR. DAPENA: "Perforation" is a problem.

18 MR. VALLE: How about holes?

19 A. Yes, for safety reasons I have to do it; and, also,
20 not to damage any other area.

21 Q. What is the safety aspect of checking for holes or
22 perforations in the area where you are about to be welding?

23 A. First of all I have to be sure that I have a clean
24 area where I have to work. Because if the area is
25 contaminated with other elements or oil or liquid or

1 something, I have to take precautions; and the area where I
2 was working there were no holes; and there are none there.

3 Q. Were you actually working on the deck of the vessel
4 or were you working on an area below the deck?

5 A. Under the deck in the lazarette is the deck where it
6 has a wood floor and that is underneath it.

7 Q. Why were you welding the plate on the deck? Did
8 they tell you why it was necessary to put the plates on the
9 deck?

10 A. Yes. The captain told me that they needed material
11 of three quarter-of-an-inch to hold some hydraulic jacks.

12 Q. Did you ever hear anything about or anything
13 concerning the installation of pumps in that area?

14 A. The captain told me that is what it was for.

15 Q. Pump or jacks?

16 A. Hydraulic jacks, cylinders; not pumps.

17 Q. When you were performing your welding, were you
18 welding on the top of the deck? In other words, were you
19 welding the plate to the top of the deck?

20 THE INTERPRETER: He said it was under the deck.

21 Q. He said on top of the deck earlier. I wanted to
22 know - that just threw me for a loop.

23 Let me try to clear that up.

24 A. On top of the aluminum plate that is installed
25 there.

1 Q. Now, you mentioned there was a wooden deck?

2 A. (Indicating) Yes, it is like as if there were a part
3 where people walk. I am underneath.

4 Q. Then you're in a smaller enclosed area, are you not?

5 A. Yes.

6 Q. Is the deck itself, what you walk on, is that made
7 of wood?

8 A. Yes, sir.

9 Q. You gain access to this area, lazarette, by a hatch,
10 correct?

11 A. That's correct.

12 Q. Then you go down inside the lazarette?

13 A. Yes.

14 Q. You're doing your welding on top of the raw aluminum
15 that is part of the structure of the vessel?

16 A. Yes, sir.

17 Q. Had you ever been told or did you ever learn whether
18 or not where you were working was part of the extension of
19 the ship that was built especially for this owner or not?

20 A. No.

21 Q. How close were you in feet or inches or yards,
22 however that you like to describe it, from the transom when
23 you were performing your welding on the day that your
24 accident happened?

25 A. I don't know.

1 Q. You know what a "Transom" is, right?

2 A. No, senior.

3 Q. If I use words that you don't understand, tell me to
4 explain them.

5 Let me say it in plain English.

6 Where you were welding when the explosion occurred,
7 how close was that to the back of the boat? Your best
8 estimate?

9 MR. FAMULARI: How about a diagram for him to look
10 at?

11 MR. VALLE: Yes, sure.

12 MR. FAMULARI: You got a compartment back there
13 (indicating). Whereabouts in the compartment?
14 (Indicating in the drawing).

15 THE WITNESS: The plate that I was welding was
16 about a foot or two foot from here (indicating). From
17 the wall --

18 MR. KALLEN: From the bulkhead.

19 THE WITNESS: Uh-huh. From here to there is about
20 6-feet; and then the hatch is here (indicating); and I
21 was putting one here; and then I had another that I was
22 going to install here. I started right here
23 (indicating). I did this point here and then I went to
24 the other one (indicating).

25 MR. VALLE: Can I have that page.

1 For the purpose of the record, let the record
2 reflect that the witness has been indicating on a very
3 rough schematic drawing of the boat - resembling a boat
4 only because it is pointed at one end and square at the
5 other end - He has been showing us on the rough
6 schematic of the boat an area in which he was working
7 at the time that the incident occurred.

8 (WHEREUPON, the above referenced document was marked
9 as Defendant's Exhibit No. 2 for Identification.)

10 BY MR. VALLE:

11 Q. Let me ask you to do some things for me. Okay.

12 Take a look at the schematic marked as Exhibit No. 2
13 and put an "A," the letter "A," where you made the first
14 weld.

15 A. (Witness complies).

16 Q. Put a letter "B" where you made the weld the time
17 that the explosion occurred?

18 A. (Witness complies).

19 Q. Now, you drew two squares there. Do they represent
20 the two plates that you manufactured?

21 A. Yes, sir.

22 Q. As you are facing the drawing there is a plate on
23 the left side and a plate on the right side?

24 A. Yes.

25 Q. Had you attempted at all to weld the plate on the

1 left side?

2 A. No.

3 Q. So this was the first plate that you were attempting
4 to weld after you brought the plate that you manufactured
5 back to the ship?

6 A. Yes.

7 Q. How much space was there inbetween the aluminum deck
8 and lazarette and the wooden deck above it?

9 A. (Indicating) I would calculate from the floor to
10 bottom of this table.

11 Q. Roughly, 3-feet?

12 A. Uh-huh (affirmative answer). Probably.

13 Q. How big was the lazarette compartment?

14 A. I think it the about the size of this room. This
15 wide (indicating).

16 Q. About 20-feet by --

17 A. No. Maybe 15-feet. I don't know.

18 MR. KALLEN: A better question perhaps was the
19 lazarette from one side of the boat all the way to the
20 other side of the boat; from the left said to the right
21 side.

22 THE WITNESS: (Indicating) What is the starboard
23 side (Witness answers in English) --

24 MR. KALLEN: And port side?

25 MR. VALLE: Port is the left side.

1 THE WITNESS: Port side and starboard side this way
2 (Witness answers in English).

3 More or less like this (indicating). I think it is
4 about - I never measure it but I think --

5 MR. FAMULARI: Unless you look at it.

6 BY MR. VALLE:

7 Q. How long is the compartment?

8 A. About this wide (indicating).

9 Q. From wall-to-wall?

10 A. More or less, yes.

11 Q. 10-feet?

12 MR. FAMULARI: It was a 10-foot cock pit extension
13 according to the plans. I can tell you that much.

14 MR. VALLE: What I want to know is did the incident
15 occur in the extension?

16 MR. FAMULARI: It did, but --

17 MR. VALLE: That's what I'm trying to nail down.

18 MR. KALLEN: Swear him in. He testifies.

19 BY MR. VALLE:

20 Q. Let me try to picture the compartment in which you
21 were working in when the incident occurred.

22 The compartment was, roughly, 3-feet high?

23 A. Yes.

24 Q. It was, roughly, 10-feet long?

25 A. Yes.

1 Q. Roughly, 15 feet wide; is that correct?

2 A. I estimate that way more or less but I'm not very
3 sure at all. More or less.

4 Q. Did the compartment run from the left side of the
5 boat to the right side of the boat?

6 A. Yes.

7 Q. So on the left side there would be a hull and when
8 you look to the right there would be a hull on the right
9 side; is that correct? Hull.

10 THE INTERPRETER: He doesn't know the word. I don't
11 know the word.

12 A. Yes.

13 Q. From the front to back (indicating) it was about
14 10-feet?

15 A. Yes, more or less.

16 Q. Can you put your initials here in the right-hand
17 corner of the paper and date it?

18 A. (Witness complies).

19 MR. FAMULARI: Can we go off the record for a
20 second.

21 (WHEREUPON, a brief off-the-record discussion was
22 had.)

23 BY MR. VALLE:

24 Q. When you worked at Bradford Marine did you ever hear
25 of a group of regulations called OSHA?

1 A. I don't remember.

2 Q. Did you ever receive any instruction - this is
3 another silly question after your last question - Did you
4 ever receive any instruction from anyone at Bradford Marine
5 as to what OSHA was or what it required you to do before
6 commencing welding in an enclosed area?

7 MR. DAPENA: "Enclosed area" part is missing.

8 THE INTERPRETER: Sorry.

9 A. Yes, but I didn't know it was called OSHA. They
10 give us instructions that, say, take a group from each
11 department; and they gave safety instructions and about these
12 small areas and what one is to do.

13 Q. Tell me what instructions that you received?

14 A. It's the security chief there his name is Mark Torch
15 (phonetic). And he tells us what safety measures to take.
16 For instance when there is a fire or how to avoid anything,
17 the safety to prevent accidents.

18 Q. What instructions did you receive with regard to
19 what you should do before you light your torch in an enclosed
20 area?

21 A. Ventilate the area. To put on the blower, air
22 hoses; and inspect the area to make sure that there is
23 nothing there that could cause a fire. That's basically what
24 they're all about; and not do any damage and to other areas
25 that don't have to do with the work.

1 Q. We had spoken earlier about gas that you can't smell
2 and that might be dangerous and explosive gases?

3 A. That's correct, yes.

4 Q. How do you know after you finish with the blowers -
5 Strike that.

6 How do you know before you begin welding that there
7 aren't any of those gases that you can't smell or see or
8 taste in the area?

9 A. First of all, the ship has a paper posted where it
10 specifies that it's gas free; and second, one has instruction
11 from the person who is giving the job; in this case, it was
12 the captain who told me what to do. And when I asked him
13 questions because I did ask him whether there were tanks or
14 gas lines and so with that - with that assurance I do the
15 work trusting the person who is giving me the job to do
16 because I'm not capable of determining whether it is gas
17 free; that's not my job.

18 Q. Before this accident happened can you tell me what
19 type of social activities or hobbies that you had and that
20 you regularly engaged in?

21 A. I went out a lot with my family. I used to do
22 sports. I play soccer. I was a soccer coach. We used to go
23 to the movies, to the beach. I went out dancing, a lot of
24 parties. I'd like to go out on trips. We used to go to
25 Tampa and to Tallahassee and Orlando.

1 Q. Why in the world would you go to Tallahassee? I can
2 see Orlando. Of course, the show may be better in
3 Tallahassee.

4 How often did you go, say, dancing with your wife, I
5 would assume?

6 A. With my wife, yes; about twice a month or so. Our
7 friends that have family get together or we used to go to
8 discos.

9 Q. Where did you coach soccer?

10 A. Here in Miami.

11 Q. The place, where?

12 A. In North Miami, Highland Oaks; and near Adventura.

13 Q. Is that a park?

14 A. That is a park.

15 Q. Highland Oaks Park?

16 MR. KALLEN: Ives Dairy Road. Was that a league?

17 A. Ives Dairy Road.

18 MR. KALLEN: Close to 23 Avenue.

19 A. Ives Dairy Road close to 26th Avenue.

20 Q. Were you doing that for a sport league or children's
21 league or what?

22 A. It's a children's sports league.

23 Q. How many years did you do that?

24 A. There - I was about a year-and-a-half or two years.

25 Q. What did you coach? Were you the coach of the whole

1 team or did you coach forward or goalies or what?

2 A. No, the whole team.

3 Q. What age group?

4 A. The age of my younger son when he started at
5 five-years old.

6 Q. So you coached five year olds?

7 A. Six years.

8 Q. Okay. Did you have any other hobbies or any other
9 sporting activity that's you engaged in?

10 A. I used to run a lot.

11 Q. "Run" in what sense?

12 A. Track, jogging.

13 Q. Did you run competitively in races?

14 A. No, I ran for my health.

15 Q. How often would you run?

16 A. Almost every day.

17 Q. What distance would you run?

18 A. About 20 blocks back and forth? 20 blocks out and
19 20 blocks back.

20 Q. What kind of shoes did you have?

21 A. Sneakers for running.

22 Q. Were they running shoes or tennis shoes?

23 A. Tennis shoes.

24 Q. What make?

25 THE INTERPRETER: Tennis shoes in the Spanish mean

1 sneakers.

2 A. Nike or Addidas.

3 MR. KALLEN: PF flyer's.

4 Q. How long would it take to you run the 20 blocks
5 roughly?

6 A. 30 or 40 minutes, all together.

7 Q. Did you run with anybody or by yourself?

8 A. By myself and sometimes with my older son.

9 Q. Did you ever - Strike it.

10 How long had you done that? How long had you been
11 running regularly every day for 30 minutes?

12 A. A couple of years. I continued to gain weight so I
13 did that to keep the weight down.

14 Q. Did you develop any toe problems or ankle problems
15 or knee problems as a result of running every day?

16 A. No.

17 Q. What kind of surface did you run on?

18 A. In the street, cement. On the sidewalk mostly.

19 Q. Did you belong to any club, organization, or
20 churches?

21 A. The church.

22 Q. What church?

23 A. Catholic church.

24 Q. Which Catholic church?

25 A. Biscayne Boulevard at Saint Rose of Lima in North

1 Miami.

2 Q. Saint Rose of Lima; that is in Miami shores?

3 A. Yes, Miami Shores and the Holy Family in North
4 Miami.

5 Q. Are you a member of a diocese or did you actually
6 belong to a church?

7 A. I went to church a lot but I was not a registered
8 member.

9 Q. Did you belong to any Catholic organization in any
10 of the churches that you attended?

11 A. No, but I went to their activities about how to
12 coping in the family, together, and so on.

13 Q. What activities do you have or engage in now with
14 your family?

15 A. I read with them. I watch TV with them. Especially
16 watch soccer and basketball games. I don't do anything else.
17 I don't feel well enough.

18 Q. Do you still go to the movies?

19 A. No.

20 Q. Why not?

21 A. Because it's very cold in the movie, in theaters;
22 and cold makes me feel bad.

23 Q. Tell me what your present physical complaints are
24 that are attributed to the injuries from this accident?

25 Let's start from the top of your head and go to the tip of

1 your toes?

2 A. My head.

3 Q. What is the matter with the head?

4 A. A lot of headaches and in my forehead, the front.

5 Q. And your neck?

6 A. Yes, my neck.

7 Q. Where?

8 A. (Indicating).

9 Q. Indicating directly below your skull, in the back of
10 the neck?

11 A. Right here (indicating). I get, like, very stiff
12 here, very tense.

13 Q. Do you get pain or tension and stiffness?

14 A. The tension and it causes the pain.

15 Q. What else?

16 A. The lower part of my back where they did the
17 surgery; and here on the side (indicating) these bones here,
18 I feel pain.

19 Q. Your hip bones?

20 A. Yes. I can't sleep on my side. I turn on my side
21 for short periods but I can't feel comfortable. So I can't
22 get comfortable to sleep.

23 Q. Keep going.

24 MR. KALLIN: Only if there is more.

25 A. I can't walk quickly. Because my heels hurt a lot.

1 I keep telling my doctor my knee hurts a lot. This right
2 foot swells up a lot.

3 MR. KALLEN: Which knee?

4 A. The right knee. I feel a lot of pain here
5 (indicating) in my lower buttock and radiating down my leg.

6 Q. Which side?

7 A. On the right side. And I feel a lot of burning
8 sensation and pain on the left side very close to my rectum.

9 Q. How often to you have headaches?

10 A. Every day.

11 Q. And where do they - Tell me where the headaches and
12 what type of headaches that you have? Are they constant
13 throbbing or what?

14 A. If I move around a lot or if I'm sitting for a long
15 time or standing for a long time, I get upset and that gives
16 me a headache.

17 Q. Where do the headaches occur, in the front or on the
18 side?

19 A. All over my head, but especially in the front.

20 MR. KALLEN: Do you have a headache now.

21 THE WITNESS: Yes.

22 MR. VALLE: That's because of you, John.

23 MR. KALLEN: I have one too.

24 MR. VALLE: He's got something else from me. That's
25 a No. 7. Please forgive us for laughing with you.

1 We're not making light of your condition. It's just
2 that if we don't keep a sense of humour in this
3 business, we would go crazy.

4 THE WITNESS: (Witness nods head.)

5 BY MR. VALLE:

6 Q. I was suggesting that I gave you the burning pain
7 right now.

8 Any pain, any problems, in your legs other than your
9 right knee?

10 A. No. Just here in the right leg I have a lot of
11 pain.

12 Q. How about your feet?

13 A. My heels.

14 Q. We covered that.

15 A. Especially when I walk or if I stand for a long
16 time.

17 Q. Do you have any appointments at the present time to
18 be examined by any other doctors other than Dr. Scuidero?

19 A. No.

20 Q. Do you have an appointment to see Dr. Scuidero
21 again?

22 A. No.

23 Q. Do you have an appoint to see Dr. Felice again?

24 A. No.

25 Q. When was the last time that you saw Dr. Scuidero?

1 A. October 31, of last year.

2 MR. KALLEN: Of 2000?

3 THE WITNESS: Yes.

4 BY MR. VALLE:

5 Q. I think that you said that you saw Dr. Scuidero last
6 year sometime but you don't know when, right?

7 A. That's right. I don't remember.

8 Q. What medication are you currently taking?

9 A. I'm taking Advil.

10 Q. How often do you take Advil?

11 A. I take 500-milligrams every day.

12 Q. In one pill or do you break it up during the day?

13 A. I take them both at the same time because I have a
14 lot of pain.

15 Q. Do you take them in the morning or afternoon or
16 night?

17 A. In the morning if I have pain; or if not, in the
18 afternoon.

19 Q. You take two 250-milligrams pills?

20 A. Yes, sir.

21 Q. Is that medication that you can buy over the counter
22 in the drug store or do you have a prescription for that?

23 A. It's over the counter.

24 Q. When was the last time that you took a prescription
25 pain killers?

1 A. January of last year. I think it was January of
2 last year. It made me feel sick. I went to the doctor and
3 told the doctor that it was making me bleed.

4 Q. Making you bleed where?

5 A. It was called Celebrex, the medicine.

6 Q. Where did it make you bleed?

7 A. From the rectum.

8 Q. Was it red or black blood?

9 A. Red and black.

10 Q. Red and black?

11 A. Yes.

12 Q. Are you taking any other medications? Have you
13 taken any other prescribed medication since January of 2000
14 other than the medication that you just mentioned?

15 A. No, the doctor told me that in order not to have
16 that I probably should take Advil.

17 Q. What doctor was that?

18 A. Scuidero.

19 Q. How do you spend an average day?

20 A. I get up late around 9:00 or 9:30. I have a cup of
21 coffee and by then my wife is back from work. I read a
22 little and not a lot because I get tired reading. I watch
23 TV. I listen to music. I go back and read some more and
24 then than I go back and watch TV some more. I go out and get
25 some sun. That's how I spend the day, or I go out for a

1 drive with my wife in the car.

2 Q. Where does your wife work?

3 A. She works now as a crossing guard, crossing the
4 children.

5 Q. Is that an elementary school or high school?

6 A. Both, elementary and high.

7 Q. Does she get paid for that?

8 A. She gets paid, not much.

9 Q. So by the time you get up and have coffee, she's
10 back from her job in the morning?

11 A. Yes.

12 Q. Does she go back to work in the afternoon when the
13 school is letting out?

14 A. Yes, sir.

15 Q. Are you receiving any type of payment at the present
16 times as a result of claims for disability or otherwise?

17 A. Yes.

18 Q. Tell me what type of disability payment that you
19 receive?

20 A. Social security approved my disability.

21 Q. How much do you receive per month from social
22 security?

23 A. A \$153 a month.

24 Q. Are you receiving any other disability payments?

25 A. No.

1 Q. You had a case - You had a Longshore case that you
2 settled, correct?

3 A. Yes.

4 Q. And the settlement was \$120,000?

5 A. Yes, but I don't get that amount.

6 Q. Your attorney got \$20,000 and you got \$100,000; is
7 that right?

8 A. No.

9 Q. You received - I'm sorry - it was \$110,000 and you
10 received 90?

11 A. 90, yes.

12 Q. Was this \$90,000 net to you or did you have to pay
13 doctors?

14 A. It was net. It was \$90,000 for me and \$95,000 for
15 the doctors and surgery on and so on.

16 Q. Are you currently on Medicare?

17 A. No. I'm hoping they will give me Medicare.

18 MR. KALLEN: Say that again.

19 A. No, but I'm hoping they will give me Medicare.

20 Q. Are you on Medicaid?

21 A. No, sir.

22 Q. Has anybody been representing you with regard to
23 your social security claim or entitlement to Medicare?

24 A. The one that represented me was Lieberman.

25 Q. Lyle Lieberman?

1 A. Lyle Lieberman.

2 Q. What is the problem with Medicare?

3 A. You have to wait two years after the social security
4 is approved.

5 Q. During the time usually they give you Medicaid.

6 Have you applied for Medicaid?

7 A. I asked social security and they told me to wait two
8 years after approval.

9 Q. He got too much net worth. He has too much money to
10 get Medicaid, that is for sure.

11 A. Yes, I have to spend it first.

12 Q. How is your appetite?

13 A. More or less, okay.

14 Q. How is your weight problem?

15 A. I'm watching my weight.

16 Q. Have you gained or lost any weight since the
17 accident?

18 A. No.

19 Q. Has this accident - This is another question that
20 you may have already answered in several different ways, but
21 I have to ask you the question directly.

22 Has this accident or the injury from this accident
23 affected your relationship with your wife?

24 A. Yes.

25 Q. Tell me how, please?

1 A. I have become very nervous and irritable. I shout a
2 lot; and sexually, I can not satisfy her. I know that we
3 have problems.

4 Q. Is it that you have a problem with sex because of
5 the pain or is there a mechanical problem?

6 A. Because of my pain; and I don't feel desire or
7 pleasure as I did before. If I do it once a month, it's not
8 with the same quality as before.

9 Q. How often were the sexual relations before this
10 accident?

11 A. Three times a week.

12 Q. Have you and your wife thought about a separation or
13 divorce since this accident occurred?

14 A. No, thank God. No.

15 Q. Have you been to a marriage counselor?

16 A. No, but I think that we need to.

17 Q. Other than your immediate family, do you have any
18 other relatives living in Broward County or Dade County?

19 A. I have a brother in Broward. His name is Miguel. I
20 have two sister-in-laws, one is in Broward; and my wife has a
21 brother. My sister-in-law's husband is like a brother to me.

22 Q. Your sister-in-law's husband - Your wife's brother?

23 MR. WEBER: His sister-in-law's husband. This is
24 her sister's husband.

25 MR. VALLE: That's what I thought.

1 MR. FAMULARI: I thought not her brother. Her
2 sister's husband.

3 THE WITNESS: Talking about my wife's sister
4 brother - husband - sorry. My wife's sister husband
5 who is like a brother to me.

6 BY MR. VALLE:

7 Q. That's your brother-in-law, right.

8 You mentioned that you go for drives with your wife?

9 A. Yes, I go with her sometimes to Publix or get
10 Chinese take out.

11 Q. Do you still drive?

12 A. Yes.

13 Q. How often do you drive?

14 A. I pick up my son from school.

15 Q. Which son, the young or the older?

16 A. The small, the younger one. I go to buy bread at
17 the Columbian bakery. I go to buy bread, and I come back
18 home.

19 Q. How many motor vehicles do you own or does your
20 family own?

21 A. We have two. One is mine and one is my wife's.

22 Q. What kind of car is that?

23 A. A Honda Accord, '92. My wife has a Honda ,Civic
24 '93.

25 Q. What color is the Accord?

1 A. Both are black.

2 MR. VALLE: I think that I'm done. I don't have any
3 further questions. I'm sorry that we took this long
4 but it is a very difficult case to understand.

5 MR. KALLEN: First, don't go anywhere.

6 MR. FAMULARI: You thought he was asleep all day.

7 MR. VALLE: Coiled and waiting.

8 MR. FAMULARI: Are you done now?

9 MR. KALLEN: No.

10 CROSS-EXAMINATION

11 BY MR. KALLEN:

12 Q. When did you acquire both cars?

13 A. In '97. In 1997, just one; and her's was in '95. I
14 don't remember exactly.

15 Q. The residence in Pembroke Pines where you reside is
16 that a house?

17 A. It's a house.

18 Q. Do you own it?

19 A. Yes.

20 Q. When did you purchase the house?

21 A. In '97.

22 Q. When in 1997?

23 A. In December.

24 Q. Do you recall the purchase price?

25 A. Yes, sir. \$134,000.

1 Q. How big a house is it?

2 A. Three bedrooms and two baths, a double garage,
3 two-car garage, pool and the yard.

4 Q. Do you swim?

5 A. I get in the pool; and get in the pool for awhile in
6 the summertime.

7 Q. Do you do laps?

8 A. No.

9 Q. Did your doctor tell you that swimming may be good
10 therapy for you?

11 A. The doctor never told me but someone told that me I
12 should walk and do exercises.

13 Q. Do you do them?

14 A. Yes, I have done it.

15 MR. VALLE: Can I ask you to ask, does he have a
16 nickname or are you known by another name.

17 Q. Do you have a nickname or are you known by any
18 other name besides Henry?

19 A. No, just Henry.

20 Q. The home that you live in, is that in a development?

21 A. No.

22 Q. Who would you say your best friend is besides your
23 wife?

24 A. My son.

25 Q. Who do you socialize with or speak to the most?

1 A. Actually, no one visits me. It's very rare that any
2 one visits me. Everything has changed. No one comes to see
3 me anymore.

4 Q. Are you saying that you have no friends?

5 A. Yes, I have - I have made a friend. He is from my
6 country also. Not very constant, maybe, once a week.

7 Q. Did you have more friends before the accident?

8 A. No.

9 Q. Would you describe yourself as a private person?

10 A. I believe so, yes.

11 Q. You appear to be rather calm. Is that the way that
12 you have always been?

13 A. I think that I am very nervous, but I prepare myself
14 to be calm today.

15 Q. You don't show your nervousness. You appear to be
16 very calm?

17 A. Yes. I drink a lot of lemon tea which calms my
18 nerves.

19 Q. Had you had personality changes since the accident?

20 A. Yes.

21 Q. In what way?

22 A. I get tired of people easily. I get bothered. I
23 can be with somebody and I want them to leave. Of course, I
24 don't say it; or someone comes to my house, like my friend,
25 that one that I mentioned. I go to his house or in an hour

1 and I go back home; and it bothers me a lot that I can't act
2 the way that I did before.

3 Q. How did you act before?

4 A. Especially, with my children. I used to do more
5 with them. For example, they used to chose where we were
6 going to go and we would go.

7 Q. What is your friend's name?

8 A. His name is Edison.

9 Q. Is that his first name?

10 A. His first name.

11 Q. What is his last name?

12 A. Aristizabal, A-R-I-S-T-I-Z-A-B-A-L.

13 Q. Why do you think that you need to see a marriage
14 counselor?

15 A. Because we argue a lot, and I get easily bothered by
16 the way that she talks to me. I was not like that before.

17 Q. Did you ever fight before the accident, have
18 arguments?

19 A. No.

20 Q. How long has your wife worked as a crossing guard?

21 A. I think a month.

22 Q. Before that did she work?

23 A. Yes, she used to work.

24 Q. Where?

25 A. She worked for a used car dealer.

1 Q. Doing what?

2 A. In the office.

3 Q. How long did she do that?

4 A. Four years.

5 Q. Why did she leave the used car dealer?

6 A. I suggested to her that she leave.

7 Q. Why?

8 A. Because she was - She had a lot of nervous problems.

9 Q. From the work?

10 A. No. Because she was in charge. Well, I didn't have
11 the money before that they gave me now from the Longshoremen,
12 so she was responsible for all the expenses of the house.
13 That was one of the reasons she lost a lot of weight, and was
14 very upset. And I told her now that we have the money that
15 she should take it easy.

16 Q. Which is one of reasons why she left that job?

17 A. That's a reason.

18 Q. Do you wear any type of back brace?

19 A. They have not recommended any. I don't use any.

20 Q. Have you ever worn one since the accident?

21 A. No.

22 Q. Any other type of brace that you have worn since the
23 accident for your knee, arm, anything else?

24 A. Yes, I used one that I got at Eckerd's for my knee.

25 Q. When did you get that?

1 A. More than two years. Almost three years.

2 Q. After the accident?

3 A. After the accident.

4 Q. Why did you get that knee brace?

5 A. To help with the pain in my leg; that part on the
6 side here (indicating) hurts me a lot.

7 Q. Are you wearing it now?

8 A. No, sir.

9 Q. When do you wear it?

10 A. When my knee is hurting, I put it on.

11 Q. When is that?

12 A. When I'm walking and it starts to hurt or if I'm
13 standing for a long time.

14 Q. Do you ride a bike?

15 A. No.

16 Q. Do you read English?

17 A. I take the newspaper and read it.

18 Q. The Sun-Sentinel?

19 A. Okay.

20 Q. You have no problem understanding what you're
21 reading in the paper?

22 A. I don't get a 100 percent but I can understand it.

23 Q. You get most of it?

24 A. Yes.

25 Q. For example, Defendant's Exhibit 1, you can read

1 that and understand it?

2 A. (Witness reading Exhibit No. 1 in Spanish.)

3 Here, for example, it says, "What is your present
4 complaint? Did you have any prior surgery; and if so,
5 say where."

6 Q. Does your handwriting appear on that document other
7 than your signature?

8 A. Yes.

9 Q. Point it out for us, please?

10 A. (Witness complies).

11 MR. VALLE: Repeat that question.

12 Q. Other than your signature, did you write anything
13 else on that document?

14 A. No.

15 Q. Let me show you what we will mark as Exhibit 3, four
16 pages of photographs, provided by your attorney. Is that you
17 or at least the back of you in the photographs?

18 WHEREUPON, the above referenced document was marked
19 as Defendant's Exhibit No. 3 for Identification.)

20 A. Yes, that's me.

21 Q. Were those photographs taken in your attorney's
22 office?

23 A. Yes, sir.

24 Q. Can you give me the approximate date they were
25 taken?

1 A. I don't remember.

2 Q. Do you know which of your attorney's office those
3 photos were taken?

4 MR. FAMULARI: It was Manny's.

5 Q. Was it Manny's office, Mr. Valdes?

6 A. Valdes?

7 Q. Do you think that is where the photographs were
8 taken?

9 A. Yes, sir.

10 Q. Do you remember when you first had Mr. Valdes
11 represent you?

12 A. No, sir.

13 Q. When is the lawsuit filed?

14 MR. VALLE: '97.

15 MR. KALLEN: I don't have that. I have the amended
16 complaint and not the original.

17 MR. VALLE: What is your case number?

18 MR. FAMULARI: I have it here. I show a 00 case
19 number, a 2000.

20 MR. FAMULARI: It was filed January 6, 2000.

21 BY MR. KALLEN:

22 Q. Do you know why the photographs were taken?

23 A. Yes, of course.

24 Q. Why?

25 A. Because I have an injury in my back.

1 Q. Were photographs taken of any other part of your
2 body?

3 A. No.

4 Q. On many of these photographs there appears to be
5 some type of device on your back. What is that?

6 A. It is the TENS machine.

7 Q. The TENS unit?

8 A. The machine for electrical therapy.

9 Q. When did you stop using that?

10 A. Last night.

11 Q. Do you use that every day?

12 A. Yes, sir.

13 Q. Do you have that on now?

14 A. No.

15 Q. When do you use it?

16 A. When I'm at home laying down in bed.

17 Q. For how long do you use it?

18 A. 20 minutes.

19 Q. Does it help?

20 A. It helps. It relaxes me a little but not
21 completely.

22 Q. It relaxes you?

23 A. It does not completely help.

24 Q. Do you have any other source of income besides your
25 social security disability and your wife's income?

1 A. No, sir.

2 Q. Did you file a tax return for 1999?

3 A. Yes, sir.

4 MR. KALLEN: David, can you make a note to get that
5 to us. I only have them through '98.

6 MR. FAMULARI: Yes.

7 MR. KALLEN: Larry, do you have that?

8 MR. VALLE: I got through '98; that's it.

9 BY MR. KALLEN:

10 Q. Mr. Valdes, can you tell us why the tax returns that
11 were filed - I think going back to '93, '94, you filed these
12 returns individually as head of the household?

13 MR. VALLE: You called him Valdes.

14 Q. Mr. Naranjo, I'm sorry. I'll ask it a different
15 way.

16 Is there a reason why you and your wife have not
17 filed joint income tax returns?

18 A. I don't have a reason but I have always done it that
19 way.

20 Q. Would it be fair to assume that your wife would also
21 have her own income tax returns for the same year?

22 A. Yes, she does her's separately.

23 Q. So if we request them we should be able to obtain
24 them?

25 A. Yes, sir.

1 Q. Were you married in Columbia or here in the United
2 State's?

3 A. In Columbia.

4 Q. When did you become a citizen of the United States?

5 A. In '96.

6 Q. Did your wife also become a United States citizen at
7 the same time?

8 A. No.

9 Q. Is she now a US citizen?

10 A. No.

11 Q. Why is that?

12 A. She is a resident. I don't know. She may have her
13 reasons for not doing it.

14 Q. You have you never discussed that with her?

15 A. Yes. Everyone has their own way of thinking. I
16 tend to rush into things. I became a citizen.

17 Q. The reason that your wife has not become a citizen
18 we would have to ask her since you don't know?

19 A. Yes; that's right.

20 Q. Did your wife come to the United States with you at
21 the same time?

22 A. Almost at the same time. I came first.

23 Q. When did your wife come?

24 A. Six months later.

25 Q. Do you have a marriage certificate?

1 A. Yes, but not here. Not with me.

2 Q. At home?

3 A. No.

4 Q. Where would we get a copy from?

5 A. Columbia.

6 Q. Your income tax returns reflect only one dependent,
7 one child?

8 A. My older son.

9 Q. Is there a reason why you do not the claim younger
10 son as a dependent also?

11 A. No. Just that she took the younger. I took the
12 elder.

13 Q. So as far as you understand in your wife's tax
14 returns that would show your younger son being claimed a
15 dependent of her?

16 A. Yes.

17 Q. Now, was this done at the suggestion of your
18 accountant?

19 A. No.

20 Q. That was something that you and your wife decided to
21 do?

22 A. Probably, but I don't remember if we discussed it.

23 Q. Were you wearing glasses on the day of the accident?
24 Your prescription glasses?

25 A. Yes.

1 Q. For how long have you worn prescription glasses?

2 A. About four months.

3 Q. Let's back up. Are the glasses that you are wearing
4 today prescription glasses?

5 A. Yes.

6 Q. For how many years have you been required to wear
7 glasses?

8 A. I've never used them before just now.

9 Q. Only in the past four months?

10 A. Yes, the last four months.

11 Q. Is there something about your eye sight that has
12 deteriorated as of four months ago?

13 A. Yes. Well, as of about a year ago. I can't read
14 too well. I need a lot of light. So I went to get an eye
15 exam and the doctor told me that I need to use glasses.

16 Q. Since you have been wearing the glasses has that
17 helped with your headaches?

18 A. That was also one of the reasons but it doesn't
19 help.

20 Q. It doesn't help.

21 Do you have scars on your back?

22 A. Yes.

23 Q. From the surgery?

24 A. Yes, sir.

25 Q. Why have you not gone back to see Dr. Scuidero since

1 October?

2 A. Because it is very expensive.

3 Q. Do you have health insurance?

4 A. No, sir.

5 Q. Does your wife have health insurance?

6 A. No.

7 Q. When was the last time that you had health
8 insurance?

9 A. January of 1999.

10 Q. So you're saying that have you not seen Dr. Scuidero
11 simply because you cannot afford it?

12 A. Yes. He is very expensive and the x-rays that he
13 takes are expensive.

14 Q. Do you still think that you need to go back to see
15 him?

16 A. Yes.

17 Q. Have you told your attorney that?

18 A. Yes, I have.

19 Q. Are there any other doctors that you have wanted to
20 see but you have not because of financial reasons?

21 A. Yes, I have thought about it. Yes.

22 Q. Such as who?

23 A. I went to see some doctors that are from the
24 government on Pembroke Road at 42nd in Broward. I have tried
25 to go there but there were a lot of people. I had to wait a

1 long time. I was in pain.

2 Q. When was that?

3 A. About a year ago.

4 Q. Do you think that you need to see a psychiatrist?

5 A. Yes, sir.

6 Q. Why?

7 A. Because of the way I behave. My nervous system. I

8 yell a lot a home. At my children and at my wife. I argue

9 with her. We don't fight but we argue.

10 Q. How long have you felt that way that you felt that
11 you need to see a psychiatrist?

12 A. A few months.

13 Q. Three months or more or less?

14 A. More or less, three months.

15 Q. What has happened in the past three months which was
16 not occurred before now that required you to see a
17 psychiatrist?

18 A. The way that I'm behaving has been continuous; and I
19 didn't realize it. I thought about it but I had not made the
20 connection, and I didn't want to pay for it.

21 Q. So your behavior has gotten worse in the past few
22 months?

23 A. No, it hasn't gotten worse. It is the same. But it
24 was three months ago when I starting think that would be a
25 good thing to do, that we both need some psychological help.

1 Q. Do you feel that your children have suffered in any
2 way because of your injuries?

3 A. No. It's mostly with my wife.

4 Q. Now, you explained to Mr. Valle here the list of
5 your ailments from your head to your toes. Would you say
6 that you have had those problems since the accident?

7 A. What I told him?

8 Q. Yes.

9 A. Yes.

10 Q. In other words there are not any problems that have
11 started, say, in the past six months or since one year ago,
12 that were not present right after the accident?

13 A. Yes, it is all since the accident.

14 Q. Have you attended any schools, any kind of school in
15 the United States?

16 A. No.

17 Q. Have you attended any seminars as part of your job?

18 A. No.

19 Q. As I understand it since you came to the United
20 States in 1981 your occupation was, basically, as a welder?

21 A. Yes.

22 Q. So as of the date of the accident in 1997, you had
23 been working as a welder for approximately 16 or 17 years?

24 A. Yes.

25 Q. As of the date of the accident would you consider

1 yourself to have been an expert in welding?

2 MR. FAMULARI: Object to form.

3 Q. You can answer.

4 MR. FAMULARI: Go ahead and answer.

5 A. Yes.

6 Q. Was there anything about welding that you felt that
7 you did not know or could not do?

8 A. No. I liked welding from the very beginning. I
9 know how to weld anything. I'd like to feel it was a way to
10 make money and had a good future.

11 Q. You did well at it?

12 A. Yes.

13 Q. You were making good money, right?

14 A. Yes, I did well.

15 Q. Was there an occasion at Bradford when they gave you
16 a welding job, and you said, I can't do it. I don't know how
17 to do it.

18 A. No. I always said, yes; and learned very fast.

19 Q. There was a fabrication welding department at
20 Bradford, yes?

21 A. Yes, sir.

22 Q. How many welders were there?

23 A. Right now?

24 Q. Let's go to June of '97?

25 A. 15 welders.

1 Q. 15 welders.

2 Of the 15 who was most senior in time on the job?

3 A. I was the first welder there.

4 Q. So you were on the top of the list as far as
5 seniority?

6 A. Yes, sir.

7 Q. Your immediate boss was Tony Watson?

8 A. Yes, sir.

9 Q. What was his title?

10 A. Tony Watson, chief of welders.

11 Q. Okay. Chief of welders.

12 Did you hope to perhaps hope to become chief of
13 welders one day at Bradford?

14 A. Yes, sir.

15 Q. Did you feel that you were qualified to do that?

16 A. Yes, sir.

17 Q. Were you ever given any promises or did anyone ever
18 tell you from management that you were in line to become
19 chief of welders?

20 A. No one told me but I felt it - that I thought that I
21 could if I asked for it.

22 Q. Do you know why Tony Watson left the employment of
23 Bradford Marine?

24 A. I have never spoken to him about it.

25 Q. Have you not heard a rumor or hearsay as to why?

1 A. No.

2 Q. Did you get along well with Tony Watson?

3 A. Yes, sir.

4 Q. What was the job of chief welder? What did a chief
5 welder do?

6 A. He is in charge of supervising all the welders,
7 including me; and to give work orders to each employee; and
8 to see what everyone was doing.

9 Q. When you say "Supervising other welders," tell us
10 what that means in real terms? What does that mean
11 "Supervise"?

12 A. When there is a group there has to be a boss.

13 Q. Would that include being instructed?

14 A. To monitor and to instruct.

15 Q. To make sure the jobs are being done properly?

16 A. Yes, sir.

17 Q. And safely?

18 A. Yes, sir.

19 Q. And to instruct, if necessary?

20 A. Yes, sir.

21 Q. You felt that you were qualified to do all that in
22 1997?

23 A. Yes, I was hoping for an opportunity for some help.
24 One always starts as an assistant to the chief.

25 Q. Does the chief welder do welding jobs too?

1 A. Yes.

2 Q. I take it it's extremely important in your line of
3 work to make sure that before you start welding that there is
4 nothing in the area that could catch on fire?

5 A. Yes, that is true.

6 Q. Or explode?

7 A. Yes.

8 Q. For that reason before you start welding, you as a
9 welder, make it a point to make sure that the area is safe?

10 A. Yes sir.

11 Q. Also, that the surrounding area is safe, as well?

12 A. Yes.

13 Q. This type of welding machine that you were using can
14 it create what is known as "slags" from welding?

15 A. I don't know.

16 Q. When you weld does it create sparks?

17 A. Yes.

18 Q. If you're not careful those sparks can ignite some
19 type of material in the area?

20 A. Yes.

21 Q. Besides the sparking there can be hot balls of metal
22 or aluminum that fly away and ignite material, as well?

23 A. That's why one always used a fire blanket to cover
24 the area because you don't know if there will be sparks.

25 Q. Did you put a fire blanket in the lazarette before

1 you welded?

2 A. Yes, sir.

3 Q. Did it cover the entire deck of the lazarette?

4 A. No, just the area where I was going to work.

5 Q. How big was the fire blanket?

6 A. I don't know how to --

7 Q. Estimate for us.

8 A. (Indicating) about half the sides of the table.

9 MR. VALLE: 3-by-2.

10 Q. 3-feet by 3-feet?

11 A. More or less, 3-by-3.

12 Q. Besides putting down the fire blanket, you looked
13 around the area to see if there were any combustible
14 materials?

15 A. Yes, that is true.

16 Q. Because you don't want a spark flying off of the
17 machine and igniting some material while you are welding?

18 A. Yes, sir.

19 Q. Did you see any combustible materials?

20 A. No, I inspected the area and it was clean.

21 Q. No paper, no debris?

22 A. Nothing.

23 Q. Okay. Was there any type of equipment or machinery
24 in the lazarette?

25 A. Yes, there was a machine. There was machinery.

1 Q. Do you know what kind?

2 A. There was a compressor. A blower there, I was
3 using. No, that's all. The hydraulic jacks.

4 Q. Did you cover up the compressor?

5 A. They were further away. It was not necessary.

6 Q. Did you cover up the hydraulic jacks or pumps?

7 A. They were also further away.

8 Q. Did you see any hoses that could catch on fire?

9 A. No. I saw no hoses.

10 Q. Did you have a fire watch?

11 THE INTERPRETER: What is that?

12 Q. Fire watch.

13 Just ask him.

14 A. No.

15 Q. Are you supposed to have a fire watch when you weld?

16 A. Yes, I should have one.

17 Q. But you didn't on this occasion, did you?

18 A. No, I didn't.

19 Q. What is the purpose of the fire watch, Mr. Naranjo?

20 A. When dangerous areas that could cause fires, one
21 needs one.

22 Q. The fire watch is the eye - the fire watch looks for
23 any possible sparks that may cause a fire or explosion and is
24 there to watch out for your safety as well, correct?

25 A. Yes, that is true; but this area didn't pose any

1 danger.

2 Q. So you're saying that you did not need a fire watch?

3 A. They didn't send one with me, it is because it was
4 not necessary. I didn't make that decision.

5 Q. Did your boss know that you were welding?

6 A. My boss knew, yes.

7 Q. He knew that you were fabricating the two plates to
8 install on the boat?

9 A. Yes.

10 Q. He didn't send a fire watch with you when it came
11 time to weld?

12 A. No.

13 Q. You knew that you needed one though?

14 MR. FAMULARI: Object to form.

15 Q. You can answer.

16 A. No. No, I didn't.

17 Q. Did you discuss with your boss what you were welding
18 before you went to do it?

19 A. Yes. I spoke to him and he was the one that told me
20 to talk to the captain, and he told me what I had to do. He
21 showed me; and explained to me when I said, Is there a tank
22 there and fuel lines?

23 He said, no. There is no problem. And weld there
24 because there is only solid concrete there and a plate flush
25 on top.

1 I didn't see any danger in the area around there.

2 Q. Mr. Naranjo, this will go quicker if you just answer
3 my question, okay? So let's be clear: Your boss was Tony
4 Watson, correct?

5 A. Yes.

6 Q. You were paid by Bradford Marine, correct?

7 A. Yes.

8 Q. Did you discuss with Tony Watson, your boss, the job
9 that you were going to do: That is weld these two aluminum
10 plates onto deck in the lazarette; yes or no?

11 A. Yes. He sent me to do it. I knew I was going to do
12 it and the captain knew also.

13 Q. Mr. Watson knew what jobs you were going to do that
14 day?

15 A. Yes.

16 Q. Where was this piece of paper that certifies that
17 the lazarette was gas free?

18 A. On the boat.

19 Q. Where on the boat?

20 A. At the entrance of the boat (indicating). You come
21 in over here and walk this way and the paper is facing you as
22 you come on.

23 Q. Did you read that piece of paper that day?

24 A. No. All of us that work there know that is a gas
25 free certificate.

1 Q. Did you ever read that certificate?

2 A. No, sir.

3 Q. Do you know if the lazarette, specifically, had been
4 inspected to make sure it was gas free?

5 A. Only the captain and the person that does the gas
6 free inspection would know that.

7 Q. Mr. Naranjo, answer my question, please?

8 A. Yes.

9 Q. Did you know if the lazarette was inspected to be
10 certified to be gas free?

11 A. No, I do not know.

12 Q. Did you just assume that it was inspected and
13 certified to be gas free before you started welding there?

14 A. No, I don't assume. I know that on every ship where
15 this work is done it is certified to be gas free.

16 Q. But you don't know because you did not read the
17 certificate, did you?

18 A. I never read it.

19 Q. Did Captain Bredbec tell you this space in the
20 lazarette is gas free? Did he use those words?

21 A. Captain Bredbec?

22 Q. Captain Jack?

23 A. I asked if there were a tank or fuel lines; and he
24 said, no.

25 Q. You did not ask Captain Jack, did you, whether this

1 lazarette was inspected and certified to be gas free, did
2 you; yes or no?

3 A. No. No, I did not ask him at that time if it was
4 gas free; but I did ask him for my safety if there were a
5 tank or gas lines.

6 Q. You knew where the fuel tanks were because you had
7 welded on them before, had you not?

8 A. Yes.

9 Q. Where are the fuel tanks, looking at the diagram,
10 and put an "X" - If you don't mind, Larry?

11 MR. VALLE: Go ahead.

12 Q. Put an "X" on the diagram where the fuel tanks are?

13 A. In the engine room, I don't know. In the engine
14 room, but I did not work on fuel tanks.

15 Q. But the fuel tanks are in the engine room?

16 A. No, I don't know.

17 Q. You don't know?

18 A. Sometimes they put them here and sometimes they put
19 them there (indicating). I can't say exactly where they
20 were.

21 Q. You know what a multi-gas tester machine is?

22 A. No.

23 Q. Do you know what a gas tester is?

24 A. I have heard it spoken but I have not seen one.

25 Q. You know what that machine does?

1 A. I saw once but I don't know the procedure.

2 Q. I'm not saying how to operate, but you do know that
3 a gas tester is testing for the presence of flammable gases
4 and vapors, correct?

5 A. Probably, yes.

6 Q. Would you have welded in the lazarette if you did
7 not think that certificate, that piece of paper, referred to
8 the lazarette being gas free?

9 Can you translate that term or I can rephrase?

10 THE INTERPRETER: I would appreciate it.

11 Q. Let me rephrase it. You knew there was a gas free
12 certificate, a piece of paper, on that boat, right?

13 A. Yes.

14 Q. As far as you knew that piece of paper said this
15 boat is gas free?

16 A. Yes.

17 Q. If that piece of paper was not on that boat would
18 you have welded that day?

19 A. No.

20 Q. Do you know what Captain Jack's welding knowledge
21 consisted of?

22 A. I don't know if he knows anything about it.

23 Q. Between you and him you are the expert, right?

24 A. He may also be because he is the captain.

25 Q. You didn't ask Captain Jack to tell you what setting

1 to put the welding machine on, did you?

2 A. That is true, I did not.

3 Q. That's your decision?

4 A. Because I know what temperature to put it on.

5 Q. That's right. Captain Jack told you what he wanted
6 welded, right; but it was up to you as to how to do it
7 correctly, correct?

8 A. Yes.

9 Q. Do you know what an air extractor does?

10 A. Yes.

11 Q. What is the purpose of it? What does it do?

12 A. It specifically is to blow out the smoke and bad
13 odors; and especially smoke so that it does not cause health
14 problems to someone.

15 Q. Is the blower, the air extractor that you're talking
16 about, has nothing to do with telling you whether there is
17 gas or vapor in the space where you welded, correct?

18 MR. FAMULARI: Object to form.

19 A. Repeat the question.

20 Q. Does that blower tell you if there is vapors or
21 flammable gas in the space where you are welding?

22 A. In the - no.

23 Q. Does that blower blow away the flammable gas or
24 vapor that may be in the space that you're welding?

25 A. No. It is for smoke.

1 Q. Let me show you a picture; and we'll mark it as No.
2 4; and, again, that was provided by your attorney --

3 A. Excuse me. I need a break if you don't mind.

4 Q. Take your time.

5 (WHEREUPON, a short recess was had.)

6 MR. KALLEN: Back on. We're on the record, and
7 we're going to suspend the deposition right now; and
8 continue, maybe, on Tuesday. We're going to try and
9 reschedule for Tuesday if possible. Everyone is a
10 agreed?

11 MR. FAMULARI: Yes.

12 MR. VALLE: Yes.

13 MR. WEBER: Who retains the original?

14 (WHEREUPON, a brief off-the-record discussion was
15 had.)

16 MR. WEBER: Mr. Kallen is holding the original
17 photographs; you have the original of exhibit 1 and 2,
18 a picture; and the Broward Medical Center Report.

19 (WHEREUPON, the deposition was suspended at 4:45
20 p.m.)

21

22

23

24

25

CERTIFICATE OF OATH

THE STATE OF FLORIDA,)
COUNTY OF BROWARD)

I, KATHERINE TRAINER, Court Reporter and Notary Public, do hereby certify that HENRY NARANJO personally appeared before me and was duly sworn.

WITNESS MY HAND AND SEAL this 8th day of February, 2001.



Katherine Trainer
My Commission CC668617
Expires August 03, 2001

Katherine Trainer

KATHERINE TRAINER
COURT REPORTER and NOTARY PUBLIC,
STATE OF FLORIDA AT LARGE:

RULE 1.310. FLORIDA RULES OF CIVIL PROCEDURE PROVIDES, IN PART: (E)"...Any changes in form or substance that the witness wants to make shall be entered upon a separate correction page by the officer with a statement of the reasons given by the witness for making them..."

HI-TECH COURT REPORTING, INC.

2-8-01

Henry Naranjo
8881 Northwest 8th Street
Pembroke Pines, Florida 33024

IN REFERENCE: Henry Naranjo vs Stephen Byron Smith et al.

Dear sir:

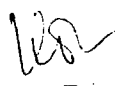
This letter is to inform you that your deposition given on 11th day of January, 2001, is now ready for your reading and signing.

This transcript will be held in our offices up to and no later than 30 days from the date of this notification.

Please phone our office to schedule a convenient time for you to come in and read and sign your deposition.

If you choose not to respond, the transcript will be forwarded to counsel(s) accordingly.
Thank you for your cooperation.

Sincerely,


Katherine Trainer
Court Reporter

cc: Court File
MR. VALLE
MR. KALLEN
MR. FAMULARI
MR. WEBER

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17	(Use other side if necessary)	
18	I, HENRY NARANJO, do hereby certify that I have read the	
19	foregoing transcript of my deposition given on the 11th day	
20	of January, 2001; that together with any additions or	
21	corrections made herein it is true and correct.	
22	_____ HENRY NARANJO	_____ DATE
23		
24	_____ NOTARY PUBLIC, STATE OF	_____ DATE
25	FLORIDA AT LARGE:	

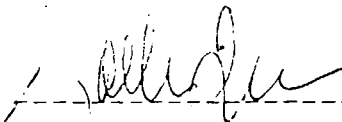
C-E-R-T-I-F-I-C-A-T-E

THE STATE OF FLORIDA)
COUNTY OF BROWARD)

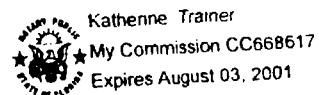
I, KATHERINE TRAINER, Court Reporter and Notary Public, in and for the State of Florida at Large, do hereby certify that HENRY NARANJO was by me first duly sworn to testify the whole truth, and that the above deposition by him given was recorded stenographically by me personally, and reduced to typewriting under my direction to the best of my ability.

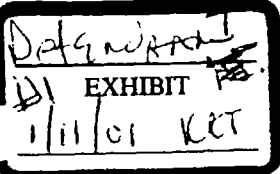
I further certify that I am neither attorney for any party nor am I related to or employed by an attorney or party connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND SEAL this 8th of February, 2001.



KATHERINE TRAINER
COURT REPORTER and NOTARY PUBLIC
STATE OF FLORIDA AT LARGE:





Broward General Medical Center

NARANJO, HENRY
1600 S. Andrews Avenue, Ft. Lauderdale, Florida 33316-0820
WIL TROWER/VP Administration
PUENTE IVAN
M.R.I. DEPARTMENT 02/24/1958 RES

5016 02

07/07/97 BGHC
SSP SEX M
39

MRI uses a magnet, radiowaves, and a computer to create detailed images of areas in the body. In some cases, an IV injection of contrast media may be used to highlight and aid in diagnosis. There is no special preparation required prior to this injection.

NAME: Naranjo Henry WEIGHT: 160

REFERRING PHYSICIAN: _____ EXAM: _____

1. What is your present complaint? Ex ribs & R leg pain
2. Have you ever had surgery? YES ☐ NO ☒
If yes, what operations have you had? _____
3. Have you ever had previous x-rays done at Broward General Medical Center? YES ☐ NO ☒
If yes, when? 1977 CXR
4. Are you claustrophobic? YES ☐ NO ☒
5. I hereby state that to the best of my knowledge, none of the following devices or metal objects have been placed in my body:

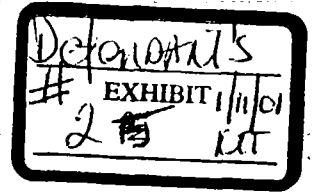
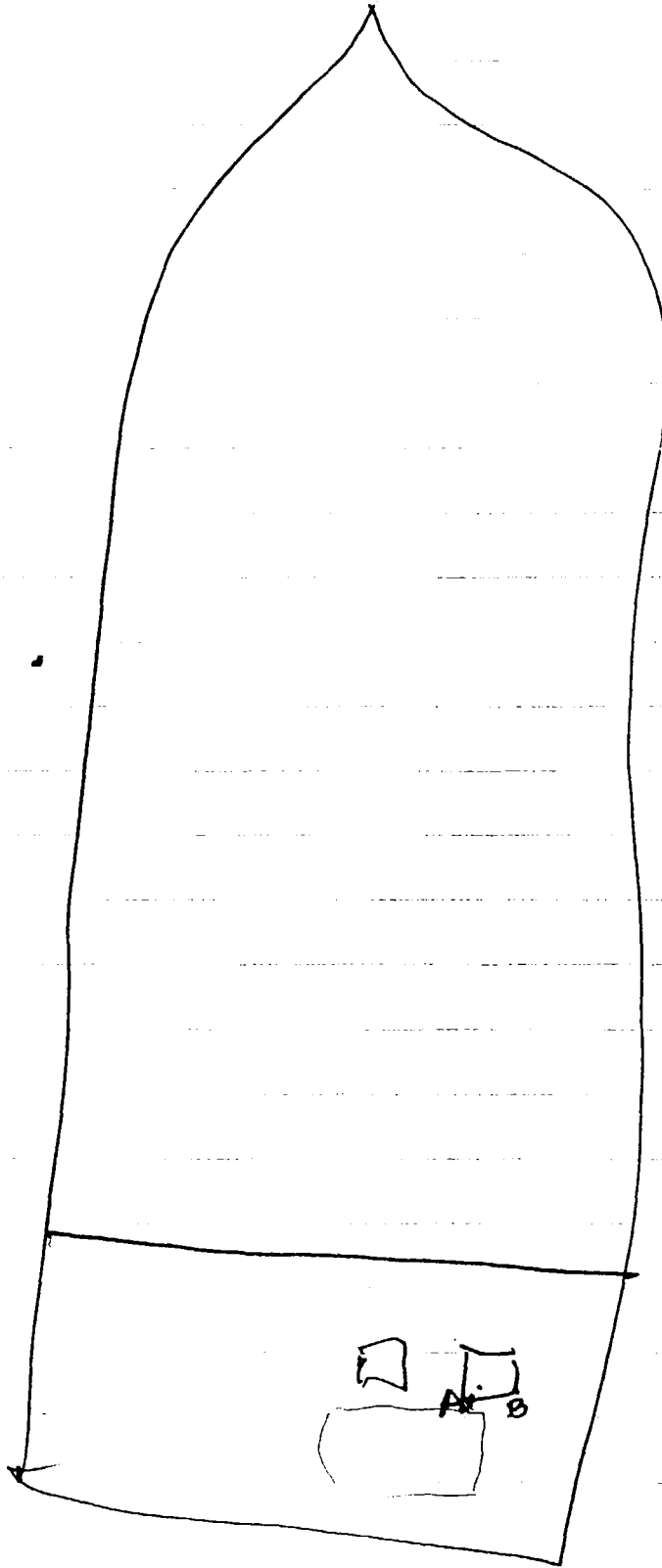
a) Intracranial aneurysm clip	YES <input type="radio"/> NO <input checked="" type="radio"/>
b) Cardiac pacemaker	YES <input type="radio"/> NO <input checked="" type="radio"/>
c) Cochlear implant or inner ear metallic prosthesis	YES <input type="radio"/> NO <input checked="" type="radio"/>
d) Dorsal column (spinal cord) neurostimulator	YES <input type="radio"/> NO <input checked="" type="radio"/>
e) Retained iron filings in the eye	YES <input type="radio"/> NO <input checked="" type="radio"/>
f) Inferior vena cava filter or umbrella	YES <input type="radio"/> NO <input checked="" type="radio"/>
6. The following metallic objects or devices are permissible: Please indicate if any pertain to you:

a) Metallic dental work (amalgam filling, crowns, bridges and plates).	YES <input type="radio"/> NO <input checked="" type="radio"/>
b) Metallic joint prosthesis such as total hip implant	YES <input type="radio"/> NO <input checked="" type="radio"/>
c) Cu-7 or other metallic intrauterine devices	YES <input type="radio"/> NO <input checked="" type="radio"/>
d) Standard surgical clips	YES <input type="radio"/> NO <input checked="" type="radio"/>
e) Coronary bypass clips and markers	YES <input type="radio"/> NO <input checked="" type="radio"/>
f) Cardiac valves, both metallic and porcine	YES <input type="radio"/> NO <input checked="" type="radio"/>
g) Intracranial shunt	YES <input type="radio"/> NO <input checked="" type="radio"/>
7. Shrapnel or metal particles may be permissible. Please describe below the type and location of shrapnel or metal particles in your body.

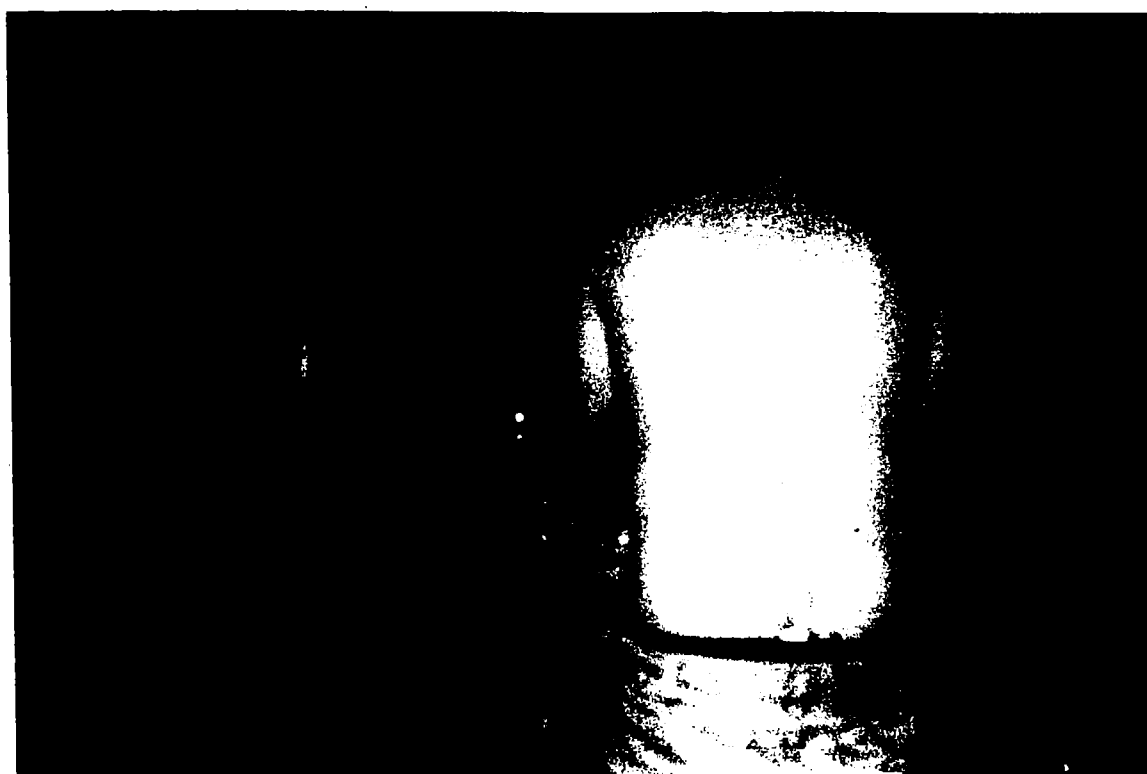
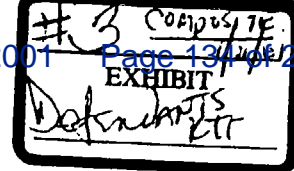
8. Please let us know if you are or suspect you may be pregnant. If you are pregnant, how many months are you?

Patient Signature: Henry Naranjo Date: 7/11/97

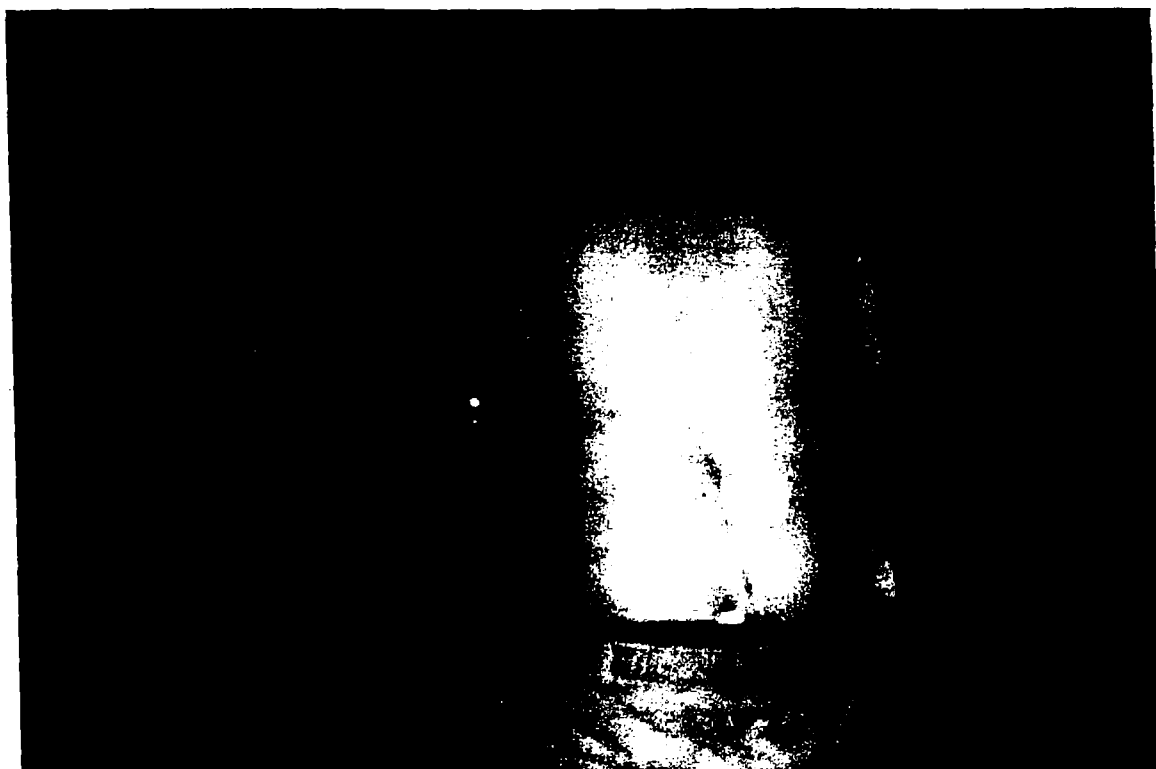
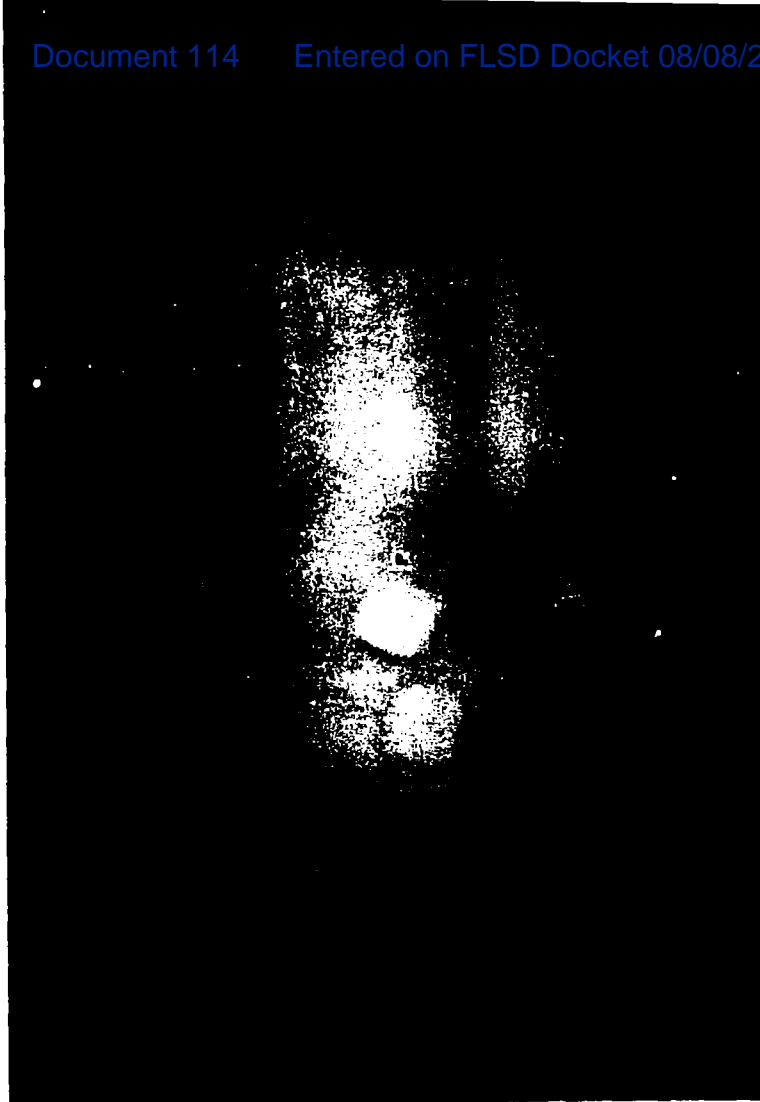
Witness: B. H. Brown RN Date: 7/11/97



HN
01-11-01









UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 00-6022 CIV-LENARD/TURNOFF

HENRY NARANJO and
MARLENE RAMIREZ,

COPY

Plaintiffs,
vs.

STEPHEN BYRON SMITH, PALMER
JOHNSON EXPORT SALES, INC.,
PALMER JOHNSON DISTRIBUTORS,
INC., and PALMER JOHNSON, INC.,

Defendants,

-----X

LOCATION: LAW OFFICE
80 SW 8TH STREET
SUITE 2520
MIAMI, FLORIDA 33160

DATE: JANUARY 16, 2001 - TUESDAY

TIME: 2:30 P.M. - 4:00 P.M.

- - - - -

CONTINUATION DEPOSITION

OF

HENRY NARANJO

II

Hi-Tech Court Reporting, Inc.

PROFESSIONAL REPORTERS

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26
27 ALSO PRESENT: SILVIA QUIJANO, INTERPRETER
28 MARLENE RAMIREZ

29
30 REPORTED BY: KATHERINE TRAINER
31 COURT REPORTER

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I-N-D-E-X

<u>WITNESS</u>	<u>PAGE</u>
HENRY NARANJO	
(CROSS-EXAMINATION BY MR. KALLEN)	4
(CROSS-EXAMINATION BY MR. WEBER)	26
(CROSS-EXAMINATION BY MR. DAPENA)	28

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E-X-H-I-B-I-T-S
(Marked for Identification)

<u>DEFENDANT'S</u>	<u>ITEM</u>	<u>PAGE</u>
Exhibit No. 18	Interrogatories: Q&A	15
Exhibit No. 19	Tax Returns: 1992, 1993, 1994, 1995, 1996, 1997, 1998.	16

1 The CONTINUATION deposition of the witness, HENRY
2 NARANJO, taken in the above styled cause, before KATHERINE
3 TRAINER, Shorthand Reporter and Notary Public, in and for the
4 State of Florida, pursuant to the Notice heretofore filed

5 _____

6 (Thereupon, the interpreter was duly sworn.)

7 | THEREUPON:

8 HENRY NARANJO

9 and Marlene Ramirez, witnesses of lawful age, having been
10 called by the Defendant, and being by the undersigned Notary
11 Public first duly sworn through the interpreter, was examined
12 and testified under oath as follows:

13	DIRECT EXAMINATION
----	--------------------

14 BY MR. KALLEN:

15 Q. Mr. Naranjo, how are you today, sir?

16 | A. Not too good.

17 Q. I'll try to be relatively quick, and I'll apologize
18 in advance if I begin asking you questions that were asked of
19 you a number of days ago, but I'll try to avoid that.

20 | A. Okay.

21 Q. Other than yourself on the day of the explosion was
22 anyone else welding on this boat?

23 | A. No.

24 Q. Prior to the time that you started welding the
25 aluminum plate to the deck in the lazarette --

1 THE INTERPRETER: I'm sorry.

2 MR. KALLEN: Just say "Lazarette."

3 Q. Did you do any other welding that day in the
4 lazarette?

5 A. No.

6 Q. You had done other welding jobs on the boat besides
7 that one on the day of the explosion, correct?

8 A. The same day, no.

9 Q. On other days?

10 A. Yes.

11 Q. Other than yourself, were there other welders who
12 had done welding jobs on that boat before the day of the
13 explosion?

14 A. Yes.

15 Q. Do you remember their names?

16 A. Yes. Frank Pichardo.

17 THE INTERPRETER: By sound, P-I-C-H-A-R-D-O.

18 A. Santiago Biasteras.

19 THE INTERPRETER: S-A-N-T-I-A-G-O

20 B-A-I-L-L-E-S-T-E-R-O-S.

21 A. Andre Pichardo.

22 Q. Anyone else?

23 A. I don't recall any other one.

24 Q. Do you remember your Employee ID number at Bradford?

25 A. Not at this time.

1 Q. In order to fabricate the aluminum plates that you
2 did that day, where did you get the aluminum material from?

3 A. The aluminum is always in stock at the welding shop.

4 Q. So you did not have to get the aluminum from the
5 materials department or materials shop?

6 A. They just provide that there, right from the very
7 shop.

8 Q. What shop?

9 A. The welding shop.

10 Q. In order to get this aluminum to make the plates,
11 did you have to sign a work slip or a materials order?

12 A. Yes.

13 Q. You do make out a sheet of paper where you are
14 ordering the materials, the materials that you are going to
15 use on the boat; did you do that?

16 A. Yes.

17 Q. Don't you or would you put your Employee ID number
18 on that; correct?

19 A. Yes.

20 Q. Do you know for sure whether when you first started
21 to work on the aluminum plates that day of the explosion or
22 whether you started a day before or two days before?

23 A. It was the same day of the explosion.

24 Q. How many hours did it take you to fabricate the two
25 aluminum plates?

1 A. Several hours. I don't know exactly how many at
2 that time. I don't know how to tell you exactly what it was,
3 several hours.

4 Q. Do you think at least three hours?

5 A. I believe it was longer.

6 Q. Other than - Let's call it the "lazarette job" - do
7 you understand what I mean by the "lazarette job"; that you
8 were doing?

9 I'll be more specific: On the day of the explosion
10 other than fabricating the two aluminum plates; take the
11 plates on board the boat and into the lazarette; and
12 beginning to weld, did you do any other welding job on that
13 boat that day?

14 A. No.

15 Q. So the only welding job that you do on this boat on
16 the day of the explosion is what we just discussed?

17 A. Yes, that's what it was on that day.

18 Q. And if I recall your testimony before, when you
19 showed up at work that morning your boss, Tony Watson, told
20 you this was the job that you were doing; is that correct?

21 A. That is correct.

22 Q. Did you know that Tony Watson had inspected the
23 lazarette space before you started to weld later that day?

24 A. Yes.

25 Q. Do you know why Tony Watson inspected the lazarette

1 space before you started to weld?

2 A. Can you repeat that again?

3 Q. Do you know why Tony Watson inspected the space
4 before you started to weld there?

5 A. He would always inspect all of the jobs before he
6 would order someone.

7 Q. To weld?

8 A. Yes. In order to do the work that has to be done in
9 there, he would go first.

10 Q. And that is because it's part of his job to make
11 sure that it's going to be safe for you to weld before you
12 start; is that right?

13 A. Yes.

14 Q. You rely on that before you will start a welding
15 job, right?

16 A. Correct.

17 Q. You will not begin a welding job if your supervisor
18 has not inspected the space first, correct?

19 A. That's correct.

20 Q. And you also will inspect the area or space as well,
21 correct?

22 A. Yes.

23 Q. I believe that you testified before in this case
24 that you did inspect the space; is that right?

25 A. Yes, that is correct.

1 Q. You look for combustible materials?

2 A. Yes.

3 Q. You made sure the area was clean and free of debris?

4 A. Yes.

5 Q. You also checked for any holes in the area where you
6 were welding?

7 A. Yes.

8 Q. You did not see any holes; is that right?

9 A. That is right.

10 Q. Why do you check? Why did you check for holes?

11 Tell me, I'm not welder.

12 A. Can I have some water?

13 Q. Sure.

14 (WHEREUPON, a brief recess was had.)

15 A. Can you ask the question again.

16 (WHEREUPON, the testimony requested was read back by
17 the reporter as recorded.)

18 A. The area where I work, I inspect to see if they do
19 have or do not have holes; that is because that is to see if
20 there is nothing underneath, that something will slide down,
21 or that you have a spark going down since the buckets are
22 also made with wood. You have to be cautious so there are no
23 holes and cover them up; for that reason there were no holes.

24 Q. What would you have done if you saw a couple of
25 holes in the deck?

1 A. I would ask or I would ask the captain, What is in
2 the area? What do they have in there?

3 Q. Why?

4 A. To be cautious.

5 Q. Would you have asked your foreman to find out for
6 sure?

7 A. Of course I would.

8 Q. Why did you put a fire blanket on the deck?

9 A. Because they had these balloons - these balloons
10 that's in order to protect the boat and made out of plastic.

11 Q. I'm not sure that I understand.

12 Did you see some plastic material that you wanted to
13 cover up?

14 A. Well, I recall perfectly well before I started the
15 job, they had this protector, that's the bumper protector in
16 order for the ship not to get hit.

17 Q. Like fenders?

18 A. Like fenders.

19 Q. That they put on the outside of the boat so that
20 when it stops the dock rubs up against the fender and not the
21 boat?

22 A. That is right.

23 Q. You saw some of those in the lazarette?

24 A. Yes, sir.

25 Q. How many did you see?

1 A. I don't recall.

2 Q. So you covered those with a fire blanket?

3 A. Yes.

4 Q. Did you cover anything else with a fire blanket?

5 A. No.

6 Q. You also said before that in addition to checking
7 the area for combustibles you also ventilated the space. How
8 do you ventilate the space?

9 A. Well, actually, the area was well - Well, the hatch
10 that was there was open. It had been open for days. Anyhow,
11 I did put in there a blower in order to extract the smoke.

12 Q. How many hatches were open or off?

13 A. They had two large hatches.

14 Q. And they were off?

15 A. No, they were open.

16 Q. Do you remember what machinery or equipment was in
17 the lazarette?

18 A. They had some hydraulic pumps, jacks - excuse me.
19 Strike that. It is a jack, a hydraulic jack. They had a
20 compressor tank; and then what I installed, the machine, the
21 blower.

22 Q. Were people painting the boat that day?

23 A. No.

24 Q. Were there any painters on the boat?

25 A. Yes. They had painters but they were not painting.

1 Q. What were they doing?

2 A. They were sanding.

3 Q. What part of the boat?

4 A. The front area of the deck.

5 Q. The bow, the front.

6 A. Yes.

7 Q. Did you see any painters at the transom? Did you
8 see painters at the transom, at the very back of the boat?

9 A. No.

10 Q. Do you know who "Aki" is?

11 A. "Aki"? It sounds familiar, but it's a young man
12 that I believe that he works there. I don't know. I don't
13 recall.

14 Q. Did it rain that day?

15 A. No.

16 Q. Did the captain tell you why the aluminum plates
17 that you were making was necessary?

18 A. Yes. He did tell me and he told me specifically.
19 He gave me the specifications and tell me why; for what.

20 Q. Why did he tell you that the plates were necessary?

21 A. I don't understand your question.

22 Q. What were they being used for?

23 A. The purpose for that was it was a bracket in order
24 to load up hydraulic jacks.

25 Q. Why not put the jacks right on the deck?

1 A. The plates that I made were - The purpose for that
2 was in order to put the jacks so that the jacks would be able
3 to use enough force because it was large and heavy.

4 Q. I'm not sure that I understand.

5 Why not just install the jacks right on the deck?

6 A. I don't know how to answer that.

7 Q. Did the captain tell you that they had tried to do
8 that first without the plates?

9 A. No. No, I don't have any knowledge about that.

10 Q. Did you read, what you referred to as "The piece of
11 paper," that was on the boat?

12 A. The only thing that I read was that "Gas Free." It
13 is in large letters.

14 Q. That told you it was safe to weld in the lazarette,
15 as far as you know?

16 A. Yes.

17 Q. If you did not see that gas free certificate you
18 would not have welded, correct?

19 A. That is correct.

20 Q. Did you ever attend any safety meeting before this
21 explosion occurred?

22 A. Several months before there was a safety meeting,
23 but I don't recall it exactly.

24 Q. Do you remember what was discussed in this safety
25 meeting?

1 A. Well, they talk about the smoke that you can inhale
2 while your welding; because they have different departments
3 in there; and we work with the kind of welding that produces
4 a lot of smoke; and they talked about that it is for us not
5 to inhale a lot of smoke; and not to have any residues from
6 the materials that would cause a fire.

7 Q. Were you ever given a safety manuel?

8 A. No.

9 Q. Were you ever given an employee manuel?

10 A. No.

11 Q. Did you wear goggles at the time of the explosion?

12 A. I had the welding mask, the helmet.

13 Q. That covered your face?

14 A. Yes, sir.

15 Q. I take it that you can see through that?

16 A. The way it works is that you look at the area where
17 you put on the mask and then you - and as you move your head
18 it goes down as you are going to weld.

19 Q. I want to mark as the next exhibit --

20 (WHEREUPON, a brief off-the-record discussion was
21 had.)

22 MR. KALLEN: Let the record reflect that is Exhibit
23 18. After Mr. Naranjo's deposition was commenced back
24 on Thursday - I guess that it was the 11th - We took
25 some interim depositions; and they have been marked

1 exhibits consecutively; and that's why the next exhibit
2 of Mr. Naranjo's deposition will be 18 as opposed to
3 what would otherwise be 4 or 5 or wherever we left
4 off.

5 In any event Exhibit 18 will be a set of
6 interrogatories and answers to interrogatories; and I'm
7 going to keep the original set; and we'll make a copy
8 for transcript purposes.

9 (WHEREUPON, the above referenced document was marked
10 as Defendant's Exhibit No. 18 for Identification.)

11 BY MR. KALLEN:

12 Q. Mr. Naranjo, let me show you Exhibit 18. First,
13 I'll ask you on the last page of this exhibit, is that your
14 signature?

15 A. Yes.

16 Q. Now, do you remember having to answer these written
17 questions; and go ahead and look through this.

18 A. (Witness complies).

19 Q. Mr. Naranjo, let me show you these questions that
20 are part of 18 and request if you remember seeing these
21 questions and having to provide answers to them?

22 A. Can you read that to me?

23 Q. Okay. Did you ever see these before, these
24 interrogatories?

25 A. Let me see.

1 Q. No, it says in here - February. Where did it say
2 that? What year was this done in? Do you remember --

3 A. Is it my signature but I don't recall - Yes, well, I
4 don't recall that very well. That was a year ago if that was
5 last year.

6 Q. Are you having any type of memory problems, even
7 today?

8 A. No, but it is that I don't recall. I don't recall
9 that.

10 Q. That's fine.

11 I'd like to mark as the next exhibit - and we'll
12 make it a composite to these were produced to me by Mr.
13 Naranjo's counsel; and specifically, they appear to be W-2
14 forms and income tax returns from Mr. Naranjo and mark it
15 Composite Exhibit 19.

16 MR. DAPENA: Can I see the interrogatories?

17 MR. KALLEN: Yes.

18 For the record, these are for the years 1992, 1993,
19 and 1994, 1995, 1996, 1997, and 1998.

20 (WHEREUPON, the above referenced document was marked
21 as Defendant's Exhibit No. 19 for Identification.)

22 BY MR. KALLEN:

23 Q. Let me show these to you, Mr. Naranjo. Do you
24 recognize these as being your income tax returns for the
25 years 1992 through 1998?

1 A. Yes, this is mine. So is this one also mine, yes.
2 Yes, also. Also, yes. This is all mine.

3 Q. There are as part of this Exhibit 19- There are some
4 W-2 forms from a company called First Delta Financial Corp.,
5 for 1997.

6 What work did you do for First Delta Financial
7 Corp., in 1997?

8 A. No, I did not work over there for them.

9 Q. You did not?

10 A. No.

11 Q. In 1998, for the 1998 return there is also a return
12 from Allied Transportation Resource?

13 A. Yes, I believe that is for some work that my wife
14 did. I believe this is also for work that my wife did.

15 Q. The reason that I ask these forms are made out and
16 sent to Henry Naranjo; that is why I asked.

17 A. This was at first - This was done over there. I
18 don't remember that.

19 Q. Well, I'm not sure what you're referring to now.

20 Let me ask you --

21 A. Yes.

22 Q. -- since this accident happened have you worked
23 anywhere other than at and for Bradford Marine?

24 A. No.

25 Q. You have not done any other jobs for pay other than

1 at Bradford Marine?

2 A. No.

3 Q. Have you looked for any work?

4 A. No.

5 Q. Why not?

6 A. Because shortly after the accident I was very, very
7 upset. I was sick.

8 Q. That's understandable. Let me be more specific, Mr.
9 Naranjo.

10 Have you looked for any work or any job to do in
11 1999, in the year 2000, or up to now in 2001?

12 A. No.

13 Q. Why not?

14 A. Because I don't feel well.

15 Q. Do you feel that you are presently able to work?

16 A. No.

17 Q. That's because of the way that you feel?

18 A. That is due to the way that I feel.

19 Q. Would it be your preference to be able to work?

20 A. If I was well, yes.

21 Q. For example, if a job would be found for you to do,
22 would you be willing to do that job if you felt physically
23 able to do it?

24 A. If I felt well, I could do it.

25 Q. Have you met with anybody in the past two years

1 about trying to get you to be able to work?

2 A. No.

3 Q. Who prepared the four income tax returns?

4 A. I do it with a friend of mine who is like an
5 accountant but he is not - well, I'm - I do them.

6 Q. How many years has your friend helped you do your
7 income tax returns?

8 A. Three, four years.

9 Q. Did you file a return for 1999?

10 A. Yes.

11 Q. So we should be able to get that from somewhere?

12 A. Yes.

13 Q. Did you file a return yet for 2000?

14 A. No.

15 Q. What is your friend's name that has helped you
16 prepare the returns in the past three or four years?

17 A. Carlos Becerra.

18 Q. Can you spell the last name?

19 A. B-E-C-E-R-R-A.

20 Q. Where does he live?

21 A. He lived here and he left.

22 Q. Where does he live now?

23 A. I don't know. I believe that he went back to his
24 country.

25 Q. What country is that?

1 A. Honduras.

2 Q. When did he go back to Honduras?

3 A. I couldn't say. I don't recall exactly but it was
4 last year.

5 Q. Does Mr. Becerra speak English?

6 A. Yes.

7 Q. Better than you?

8 A. Yes.

9 Q. And he reads English?

10 A. He reads English.

11 Q. Better than you?

12 A. Better, and speaks better.

13 Q. And you say that he is not an accountant?

14 A. Not here.

15 Q. Honduras, you think?

16 A. I think so.

17 Q. In what way did Mr. Becerra help you with the tax
18 returns?

19 A. Well, he would save me the \$100 that it would cost.

20 Q. Yes, but as I understand it that both of you
21 prepared these returns; and what I'm asking is what part of
22 these returns did he help you with?

23 A. We would read the book. I get that book, and based
24 it on that.

25 Q. Okay. Do you know who prepared your wife's income

1 tax return?

2 A. The person that I just told you.

3 Q. Carlos?

4 A. Carlos Becerra.

5 Q. By the way, does your wife speak English?

6 A. She speaks better than I do, yes.

7 Q. Does she read English?

8 A. Also.

9 Q. Better than you?

10 A. Yes.

11 Q. I don't know if this question was asked: Do you
12 write English?

13 A. Some basic things too.

14 Q. For example, if I asked you to write, How are you? -
15 can you do that?

16 A. Yes, sir.

17 Q. My back hurts; can you do that?

18 A. Yes, basic words, short.

19 Q. Basic short words?

20 A. Yes.

21 Q. You do know that I represent Steven Smith who owns
22 the boat that you were working on?

23 A. Yes, of course; and you're telling me now.

24 Q. I'm also telling you that Captain Jack - Who you
25 know?

1 A. Yes.

2 Q. -- was employed, was working for Mr. Smith?

3 A. Yes.

4 Q. You knew that right before me telling you?

5 A. Well, yes, I learned about that now. I knew the
6 captain, and I met the owner.

7 Q. You did meet the owner one time?

8 A. Yes, shortly after surgery when I went over to the
9 job.

10 Q. Did he come to see you?

11 A. No, the captain introduced me to him because the
12 department for the job was over here and the boat was right
13 next to it.

14 Q. That was after you had surgery on your back?

15 A. Yes, afterwards.

16 Q. Did the captain ever tell you after the accident
17 that it was his fault?

18 A. We never speak about that.

19 Q. Now, do you understand that you are claiming a
20 lawsuit that the captain was at fault?

21 A. Yes.

22 Q. So you feel that the captain should have done
23 something that he did not do?

24 A. I do believe that, yes.

25 Q. What should he have done that he did not do?

1 A. He should have made sure that nothing was going to
happen to me over there.

3 Q. How would he do that?

4 A. That I don't know how to answer. The only thing
5 that is that I did trust him.

6 Q. Did you also trust your foreman?

7 A. Yes.

8 Q. Who was the expert welder here, you or the captain.

9 A. I don't know what knowledge the captain has but I
10 had trust. I had to put my trust in him.

11 Q. Did you also put your trust in yourself to make sure
12 that it was safe also?

13 A. I also took some precautions.

14 Q. Did you also put your trust in that piece of paper
15 that said "Gas free"?

16 A. Also.

17 Q. Did you also put your trust in the fact that your
18 boss had inspected the space?

19 A. Also.

20 Q. So let me ask you again; and try to be specific if
21 you can, you had a few years to think about this: Is there
22 something in particular that the captain should have done but
23 did not do?

24 A. The time that has elapsed up until now, I believe
25 that the captain should have seen or looked at the area well;

1 and where I was working; and where I was able to do the work,
2 I believe.

3 Q. Isn't that why you looked and your foreman looked?

4 A. Well, to be more brief the first thing that I saw is
5 that my boss told me to go and see the captain. The captain
6 showed me what I had to do. And my boss also knew what I had
7 to do in there.

8 Q. When you say the "Captain showed you what he wanted
9 you to do" what you mean by that is that he told you that he
10 wanted two aluminum plates made; and he told you the area
11 where he wanted it - where he wanted the plate put on the
12 deck?

13 A. Exactly.

14 Q. He did not tell you how to do your job, correct?

15 A. No, he told me to put the plate in this position and
16 that's the way that he wanted them.

17 Q. That's right; but it was up to you do that job
18 safely, correct?

19 A. Correct.

20 Q. Was there something that the captain told you to do
21 which he should not have said?

22 A. He was not very specific when I asked him if there
23 was any danger in there; and he said, no. The only thing
24 that he said was concrete and then aluminum plate and then
25 flush.

1 Q. The captain used the word "flush"?

2 A. Yes.

3 Q. How many times in the year that you were working for
4 Mark Watson did he explain to you - Tony Watson - did he
5 explain to you that before you were to start a job you were
6 to ask Tony about the job so that he could review it with
7 you?

8 MR. DAPENA: Object to form.

9 A. He would always check; that is he would go and look
10 at the job that has to be done; and look at the people that
11 were available to do that.

12 Q. Right, because you know from working at Bradford
13 Marine that it was their policy that before any welding work
14 was done the welder and foreman who makes the decision that
15 it was safe to do?

16 MR. DAPENA: Object to form.

17 A. Yes.

18 Q. So regardless of what the captain may say to you, if
19 your boss says, This is not safe; you're not doing it,
20 correct?

21 A. Correct.

22 Q. The same thing even if the captain says, It's safe;
23 you don't do the work until you and your boss, the foreman,
24 say, It's safe?

25 A. Yes.

1 MS. BARKER: I think that I'm done.

2 CROSS-EXAMINATION

3 BY MR. WEBER:

4 Q. Just a couple of questions. I think that you stated
5 earlier that you were aware that Tony Watson had inspected
6 the area before you did your work?

7 A. Yes.

8 Q. Did you speak with Tony Watson about his inspection?

9 A. No. No, just to go and do the job. He had gone and
10 seen the captain to see what has to be done. He told me also
11 what had to be done.

12 Q. Did Tony Watson tell you what he did to inspect the
13 area?

14 A. No, he didn't say.

15 Q. Did you observe Tony Watson inspect the area?

16 A. No.

17 Q. Do you know when Tony Watson inspected the area
18 prior to your working in the area?

19 THE INTERPRETER: I'm sorry - When?

20 MR. WEBER: Prior to his doing the work.

21 A. No.

22 Q. Do you have a valid Florida driver's license?

23 A. Yes, sir.

24 Q. Does it have any restrictions on it?

25 A. No.

1 Q. Are you able to drive?

2 A. Yes.

3 Q. Have you, in fact, driven since this accident?

4 A. Excuse me?

5 Q. Sure. For instance who drove here today?

6 A. She did.

7 Q. Were you able to drive here today?

8 A. No, I was not feeling well.

9 Q. What about your condition is it that would have
10 prevented you from driving here?

11 A. I want to come relaxed and quiet in the car.

12 Q. Does driving a car irritate or aggravate your back
13 at all?

14 A. Well, if the trip is not too long, because otherwise
15 it does bother me.

16 Q. How long can you drive before your back starts to
17 hurt?

18 A. Immediately, as you sit down - Well, it is immediate
19 because of the way that the seat is built; and it's
20 uncomfortable to be inside the car.

21 Q. Do you drive - Strike that.

22 How often during the week do you drive a car?

23 A. Sometimes - Well, yesterday I did not drive. Maybe
24 two, three times during the week.

25 Q. Giving me an example of where you will drive your

1 car, do you drive it to the grocery store?

2 A. I go to the grocery.

3 Q. Where else do you drive your car?

4 A. Near my home there is a shopping center, a mall.

5 Q. Do you have your own vehicle?

6 A. Yes.

7 Q. What kind of car do you have?

8 A. A Honda Accord.

9 Q. Does your wife have a separate car?

10 A. Yes.

11 Q. What kind of car does she have?

12 A. Civic Honda.

13 MR. KALLEN: That was asked.

14 MR. WEBER: That's all that I have.

15 CROSS-EXAMINATION

16 BY MR. DAPENA:

17 Q. Who in your opinion would know this vessel better
18 than the captain?

19 MR. KALLEN: Object to the form.

20 A. The captain.

21 Q. And why is that?

22 A. Because - because of his experience. He has to be
23 in charge of that and also of the crew.

24 Q. So is that why you asked him what was underneath the
25 lazarette?

1 MR. KALLEN: Object to form.

2 A. Yes, of course.

3 Q. What did he say?

4 A. That there were no fuel tanks; there were no fuel
5 lines; that there was just concrete and aluminum plate
6 flushed.

7 Q. You felt you were safe under those circumstances?

8 MR. KALLEN: Object to form.

9 A. Yes.

10 MR. DAPENA: That's it. Read.

11 (WHEREUPON, the deposition was concluded at 4:00
12 p.m.)

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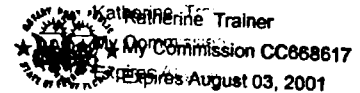
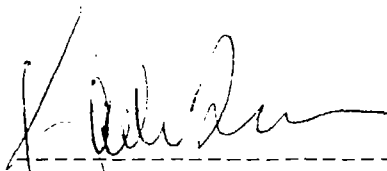
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CERTIFICATE OF OATH

THE STATE OF FLORIDA,)
)
COUNTY OF BROWARD)

I, KATHERINE TRAINER, Court Reporter and Notary Public, do hereby certify that HENRY NARANJO personally appeared before me and was duly sworn.

WITNESS MY HAND AND SEAL this 23 of February, 2001.



KATHERINE TRAINER
COURT REPORTER and NOTARY PUBLIC,
STATE OF FLORIDA AT LARGE:

RULE 1.310. FLORIDA RULES OF CIVIL PROCEDURE PROVIDES, IN PART: (E)"...Any changes in form or substance that the witness wants to make shall be entered upon a separate correction page by the officer with a statement of the reasons given by the witness for making them..."

HI-TECH COURT REPORTING, INC.

2-23-01

Henry Naranjo
8881 Northwest 8th Street
Pembroke Pines, Florida 33024

IN REFERENCE: Henry Naranjo vs Stephen Byron Smith et al.

Dear sir:

This letter is to inform you that your continuation deposition given on 16th day of January, 2001, is now ready for your reading and signing.

This transcript will be held in our offices up to and no later than 30 days from the date of this notification.

Please phone our office to schedule a convenient time for you to come in and read and sign your deposition.

If you choose not to respond, the transcript will be forwarded to counsel(s) accordingly.
Thank you for your cooperation.

Sincerely,



Katherine Trainer
Court Reporter

cc: Court File
MR. VALLE
MR. KALLEN
MR. FAMULARI
MR. WEBER

707 Southeast 3rd Avenue
Suite 202
Fort Lauderdale, FL 33316

Phone: (954) 523-0915
Fax: (954) 523-0916
Email: HTECHCR@SFLSOUTH.NET

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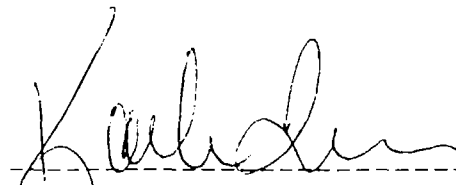
C-E-R-T-I-F-I-C-A-T-E

THE STATE OF FLORIDA)
)
COUNTY OF BROWARD)

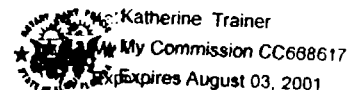
I, KATHERINE TRAINER, Court Reporter and Notary Public, in and for the State of Florida at Large, do hereby certify that HENRY NARANJO was by me first duly sworn to testify the whole truth, and that the above deposition by him given was recorded stenographically by me personally, and reduced to typewriting under my direction to the best of my ability.

I further certify that I am neither attorney for any party nor am I related to or employed by an attorney or party connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND SEAL this 23 day of February, 2001.



KATHERINE TRAINER
COURT REPORTER and NOTARY PUBLIC
STATE OF FLORIDA AT LARGE:



1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF FLORIDA
4
5 CASE NO. 00-6022 CIV-LERNARD
6
7 HENRY NARANJO and
8 MARLENE RAMIREZ,
9
10 Plaintiffs,
11 vs.
12 STEPHEN BYRONS SMITH and
13 PALMER JOHNSON, INC.
14
15 Defendants.
16
17 Badiak Will & Kallen
18 17071 W. Dixie Highway
19 N.M. Beach, Fla.
20 Feb. 7th, 2001 2:20 p.m.
21
22 DEPOSITION OF JOHN BREDBECK
23
24 taken before JULIO A. MOCEGA, R.P.R. and Notary
25 Public in and for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in
the above case.

1
2
3 I N D E X
4
5 WITNESS EXAMINATION
6 Mr Bredbeck
7 Mr. Famulari 4
8 Mr. Kallen 117
9 Mr. Weber 84
10 Mr. Valdes 63, 97, 120
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12 EXHIBITS
13 PLAINTIFF'S FOR IDENTIFICATION
14 Exhibit No. 21 38
15 Exhibit No. 22 38
16 Exhibit No. 23 45
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22 Exhibit No. 29 80
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24 ERRATA SHEET
25 Page 123

1
2 APPEARANCES:
3
4 BLANK & PERRY, P.A.
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6 5730 S.W. 74th Street
7 South Miami, Florida
8 Co-Counsel on behalf of Plaintiffs
9
10 RIVKIND & PEDRAZA, P.A.
11 BY: Manuel Valdes, Atty.
12 66 West Flagler Street
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14 Miami, Florida 33130
15 Co-Counsel on behalf of Plaintiffs
16
17 TELEPHONE APPEARANCE:
18 PINKERT LAW FIRM, LLP
19 BY: David L. Weber, Atty.
20 454 Kentucky Street
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23 Co-Counsel on behalf of Palmer Johnson
24
25 BADIAK, WILL & KALEN
BY: John D. Kallen, Atty.
17071 West Dixie Highway
North Miami Beach, Fla. 33160
On behalf of Stephen Byron Smith

1
2 (Thereupon, a telephone call was
3 placed to Valle & Craig to determine whether
4 they would be appearing for this deposition and
5 the conversatino with Frank J. Sioli was as
6 follows.)
7 MR. KALLEN: Frank, I want to make
8 sure that neither you nor Larry nor anyone
9 else from your office is attending the
10 deposition.
11 MR. SIOLI: That is my
12 understanding.
13 MR. KALLEN: Okay, goodbye.
14 MR. SIOLI: Bye.
15 MR. KALLEN: We are on the record.
16 I spoke with David Weber, counsel for Palmer
17 Johnson, who is attending this deposition by
18 telephone and he advised me that no one from
19 local counsel' office, that is Valle & Craig
20 will be attending.
21 David Weber also authorized us to
22 proceed with the deposition and he will be
23 calling in any minute, so with that.
24 MR. VALDES: I agree with that. I
25 was present in the room when all of those

1 conversations took place over the phone. On
2 speakerphone, that is.
3 THEREUPON:
4 John Bredbeck, was called as a witness
5 and, having been first duly sworn, was examined
6 and testified as follows:
7 DIRECT EXAMINATION:
8 BY MR. FAMULARI:
9 Q. Captain Bredbeck, my name is Dave
10 Famulari and I am one of the attorneys
11 representing Henry Naranjo. We want to ask you
12 a series of questions today about your time on
13 the motor yacht SOUVENIR.
14 Give us your full name for the
15 record.
16 A. John Kenneth Bredbeck and I go by
17 Jack.
18 Q. What is your date of birth?
19 A. 1-10-64.
20 Q. And Social Security number?
21 A. 281-46-4439.
22 Q. Where were you born?
23 A. Toledo, Ohio.
24 Q. Do you have a permanent address
25 besides the boat?

1 A. My permanent mailing address is
2 1126 South Federal Highway, Apartment 110, Fort
3 Lauderdale, Florida, 33316.
4 Q. Could you give us the benefit of a
5 brief history of your educational background?
6 A. Educational background? I
7 graduated high school in 1982. I joined the
8 U.S. Navy. Honorably discharged in 1986 at
9 which time I went to Chapman Seamanship School
10 in Stuart, Florida. I received a diploma from
11 there.
12 Came to Miami, got my captain's
13 license. Worked as a dock master in Lauderdale
14 Yacht Club for a year and a half until 1988 and
15 was employed on board 125 foot Berger.
16 Q. What was the name of that?
17 A. ARARA III. A-R-A-R-A, III. I was
18 first mate first and in 1991 the company put
19 that boat for sale and I have been working for
20 Stephen Smith as his private captain ever since.
21 Q. That is since 1991?
22 A. 1991.
23 Q. Your time that you were at the
24 Chapman School, how long were you there?
25 A. Four months.

1 Q. And what kind of training did they
2 give you?
3 A. It is basic, everything seamanship,
4 you know, weather reading, weather maps, running
5 the boat. Basically it is getting you geared up
6 to take the Coast Guard exam.
7 Q. And when did you take the Coast
8 Guard exam?
9 A. It would have been in -- I'd say
10 '87 probably, the first time January of '87 I
11 passed the test.
12 Q. And in 1987 what license did they
13 give you?
14 A. I started with a fifty ton inland
15 operators' license because all of my sea time
16 was in Lake Erie in Ohio where I grew up and
17 after a year on board the ARARA I upgraded to a
18 two hundred ton because I had the time and
19 service on the vessel of that size.
20 Q. Okay, today what kind of license do
21 you hold?
22 A. I still have a two hundred ton near
23 coastal master license with the U.S. Coast Guard
24 with a five hundred ton mate endorsement.
25 Q. And have you continuously had a

1 license since you got the first one in 1987?
2 A. Yes, I have.
3 Q. Tell me a little bit about your
4 experience on the Great Lakes?
5 A. My experience on the Great Lakes?
6 Q. Yes?
7 A. I started sailing when I was eight
8 years old. My parents belonged to a yacht club
9 up there and it was pretty much like summer
10 day-care.
11 I went to swimming lessons in the
12 morning and sailing lessons in the afternoon
13 till I was around fifteen or sixteen and then I
14 started racing more sea class sailboats as an
15 fore deck and also helmsman.
16 Q. Prior to 1997 when this incident
17 took place had you ever had any technical
18 training such as engineering, hydraulics
19 anything like that?
20 A. Not --
21 Q. Formal?
22 A. Formal, no, no.
23 Q. Okay.
24 A. I had done -- I had an Associates
25 Degree in electronic engineering. From '92 to

1 '94 I went to school.
 2 Q. Where did you go to school?
 3 A. ATI in Fort Lauderdale.
 4 Q. So Associates Degree in electric --
 5 A. Electronics engineering.
 6 Q. When was it that you first became
 7 associated with Stephen Byron Smith?
 8 A. He hired me to take his 53 foot
 9 boat which was his first one in April of 1991 to
 10 Chicago for him.
 11 Q. And what were your duties and
 12 responsibilities for that first boat?
 13 A. My duties -- basically that was, I
 14 was hired as a delivery captain basically to
 15 deliver the boat from Fort Lauderdale to
 16 Saugatuck, Michigan which is where he planned to
 17 keep the boat in the summer.
 18 Q. And after you did that what did you
 19 do for Mr. Smith next?
 20 A. I didn't stay on that boat
 21 full-time, but when he, in the summer at the
 22 time he was still working he would only have his
 23 two or three weeks off in the summer, he would
 24 call me and I would fly up. He would fly me up
 25 to Chicago or Saugatuck, wherever they wanted to

Page 10

1 leave from, and I would take him on his little
 2 three week cruise around Lake Michigan and
 3 Saugatuck and all of that and back to Chicago
 4 and we would do dinner parties for a while and
 5 then I would bring the boat down to Naples for
 6 him.
 7 Q. And during that time period when
 8 you weren't working with Mr. Smith what were you
 9 doing?
 10 A. I worked -- I did yacht deliveries
 11 for whoever hired me. I worked, did a refit on
 12 the Aga Khan's boat, a 120 foot, called the
 13 KALAMOON (phonetic).
 14 Q. The refit on --
 15 A. That, I did that, I was doing that
 16 during the time that I was going to school for
 17 my electronic engineering.
 18 Q. Where was that refit done?
 19 A. In Bradford.
 20 Q. Bradford does everything, don't
 21 they?
 22 A. I have been going to Bradford, yes,
 23 since '87.
 24 (Therupon, Mr. Weber joined the
 25 deposition through the speakerphone.)

1 MR. FAMULARI: David?
 2 MR. WEBER: Okay, I am here.
 3 (Discussion off the record.)
 4 MR. KALLEN: You are on the line
 5 and if you can hear us, we are proceeding.
 6 MR. FAMULARI: David, I have just
 7 been going -- this is Dave Famulari.
 8 MR. WEBER: Okay.
 9 MR. FAMULARI: I was just going
 10 over basic background stuff. We haven't
 11 even gotten to the boat yet.
 12 MR. WEBER: Sorry for the delay.
 13 Thanks a lot.
 14 BY MR. FAMULARI:
 15 Q. The refit on the Aga Khan's boat,
 16 what year was that?
 17 A. That would have been '92, '93,
 18 somewhere in that zone.
 19 Q. And generally what was your
 20 involvement in that?
 21 A. I was basically helping out the
 22 engineer, assist the engineer. He hurt his back
 23 and he couldn't be down in the engine room. I
 24 was his eyes and ears with the MTU guys. We
 25 were doing a W6 on their engines.

Page 12

1 Q. And was that just an engine repower
 2 or were you doing other things on the boat?
 3 A. They were doing lots of things, but
 4 my main involvement was in the engine refit.
 5 Q. How long were you involved in that
 6 project?
 7 A. About seven months.
 8 Q. Was there any welding going on that
 9 you were involved in on that vessel?
 10 A. No.
 11 Q. What was the hull of that vessel
 12 made of?
 13 A. It was aluminum.
 14 Q. Okay, after you finished with that
 15 what was your next involvement with Mr. Smith?
 16 A. 1994, March of 1994, I believe it
 17 was, he bought a 66 foot Ocean Alexander and I
 18 have been his full-time captain ever since.
 19 That boat was fiberglass.
 20 Q. How long is that boat?
 21 A. That was 66.
 22 Q. 66?
 23 A. Yes.
 24 Q. Was there any major work done on
 25 that boat while you worked on it?

Page 13

1 A. The 66 footer?
2 Q. Yes?
3 A. Yes, we did a complete refit on
4 that boat. Not -- minus the engines and all of
5 that, but replaced all of the windows. We did
6 new washers and dryers, new Delta T ventilation
7 system for the engine room. A lot of
8 electronics added. My boss is an electronic
9 nut.

10 Q. What was your day-to-day
11 involvement in that refit?

12 A. Overseeing, making sure that it
13 gets done and we get out of there as soon as
14 possible so the boss can have his boat again.

15 Q. Where was that done?

16 A. Well, that one wasn't a total one.
17 It kind of evolved as it went along and it took
18 place in several different boat yards.

19 Q. Did any of it take place at
20 Bradford?

21 A. Yes.

22 Q. Do you recall any of the people
23 that you worked with at Bradford on that, say
24 project manager or any of the --

25 A. It was Joe Quinn was usually in

Page 15

1 A. Two months.
2 Q. Did you operate the boat during
3 that time period?
4 A. Yes.
5 Q. What places did you go to?
6 A. We took delivery of the boat in
7 Fort Lauderdale. We took it to Key West by way
8 of Marathon and from Key West back to Naples and
9 we were in Naples the Saturday before Easter of
10 '97 there, whatever date that would have been.

11 That is when we took a ride with
12 the cruise or whatever, people on board and
13 while he was in the middle of showing his new
14 boat off we took it up to crew speed or past
15 crew speed.

16 You know, he wanted to show
17 everybody how fast his boat would go and that
18 lasted about a minute half and we blew the
19 starboard engine.

20 Q. Was that the catalyst to do a refit
21 on the vessel?

22 A. Yes, it was.

23 Q. Who decided what was going to be
24 done on the refit?

25 A. Well, Mr. --

Page 14

1 charge of it back in those days. Torch was
2 around. Mark Tortora, we spoke with him.
3 First day I can't remember, you know.

4 Q. Did Henry Naranjo work on that job
5 at all, if you remember?

6 A. No, like I said, that was a
7 fiberglass boat, so there wasn't much welding to
8 be done on that particular boat.

9 Q. That was in what year?

10 A. From '94 to '97.

11 Q. And what happened to the boat in
12 1997?

13 A. That is when he bought the palmer
14 Johnson and he sold the Alexander and bought the
15 Palmer Johnson in February of that year, of '97,
16 Miami Boat Show.

17 Q. Do you remember if he took delivery
18 of the boat in February of '97?

19 A. Yes.

20 Q. Approximately?

21 A. I am sure that he did. I think the
22 deal closed about a week after the Miami Boat
23 Show, so --

24 Q. How long after it closed was it
25 before it went into Bradford?

Page 16

1 Q. Who was involved in it?
2 A. Well, what do you mean by that?
3 Q. Who helped make the decisions on
4 all of the work that was going to be done?
5 A. Well, Mr. Smith had his plans, what
6 he wanted and then the rest of it was pretty
7 much up to me to make it happen however we could
8 make it happen.

9 Q. Okay, what kind of things did he at
10 least initially want done to the boat on the
11 refit?

12 A. Well, we -- once they -- When the
13 engine blew, it was a Detroit and they were
14 going to rebuild it.

15 When they went to rebuild it the
16 whole inside of it was rusted out, so they
17 decided to do a, to do it properly they were
18 going to have to take the engines out of the
19 boat and bore them and dip them and all of these
20 other things.

21 And we were like, if we are going
22 do that, we have to take these engines out we
23 are not going to put Detroit's back in here. So
24 we went out and bought brand Mans, new Northern
25 Lights generators and that pretty much went on

1 from there.

2 And the main thing my boss wanted
3 at the time was to make the top deck bigger
4 because it had a really small seating area and
5 then no boat deck and he wanted more of a boat
6 deck for putting more toys up on the fly
7 bridge. And we had to make the arch hydraulic
8 so we could make it to Chicago in the summer.

9 Q. Did somebody design that work, the
10 changes in the, on the fly bridge and the -- was
11 that something that yard did or --

12 A. Pretty much the yard, yes.

13 Q. Were you involved in any of the
14 decisions on how to put that together?

15 A. Well, we'd say we are going to need
16 this space here for a Scadoo and we need to, we
17 want to move the seats up and make the mast
18 hydraulic. And you go from there.

19 Q. When the boat first went to
20 Bradford was it taken out of the water?

21 A. Yes, it was.

22 Q. And how long was it out of the
23 water, if you can remember?

24 A. It came out of the water I would
25 say third week of April and I am sure that you

1 horsepower and all of this was going on while we
2 were putting new hawse eyes in the cockpit and
3 the whole upper deck reconstruction.

4 As well as pulling all of the
5 windows out of the boat, too, because they were
6 like sand and we put glass back in.

7 Q. When the vessel was put back in the
8 water what was the state of completion of the
9 engine installation?

10 A. They were -- engines were installed
11 and they had been put in their spot, bolted down
12 and the shaft had been coupled up to them.
13 Other than that they weren't, there was no fuel
14 lines hooked up to them. They were just
15 basically in the boat.

16 Q. Was the exhaust system hooked up?

17 A. The exhaust system was hooked up.
18 All of the underwater welding and everything had
19 already taken place. The idea was to take it
20 back into the water because we had to go into a
21 spray shed so they could finish doing the paint
22 job.

23 Q. Were the propellers on the vessel
24 at that time?

25 A. Yes. There were no batteries on

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1 can get a haul out schedule from one of these
2 documents.

3 Q. Uh-huh.

4 A. And we were -- We had just gone
5 back in the water three or four days before the
6 accident took place.

7 Q. What work was done on the vessel
8 while it was out of the water?

9 A. While it was out of the water?
10 Well, they cut a five and a half foot square
11 hole in the side of the starboard side of the
12 boat, starboard side of the boat, removed the
13 port and starboard engines, the port and
14 starboard generator. All of the isolation
15 transformers, basically gutted the engine room
16 down to just bare walls and then we reinstalled
17 the new generators and the new main engines and
18 they welded the side back up.

19 During all of this time we had to
20 change the underwater exhaust from a ten inch
21 hole to a twelve inch hole because we were
22 upgrading the horsepower of the engines and we
23 had to redo struts, four on the bottom of the
24 boat. We had to increase the size of the
25 shafts, new propeller because of the increased

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1 board the vessel at all, though, so, we couldn't
2 start or run anything if we wanted to.

3 Q. When the vessel was put back in the
4 water how was it moved around in the yard?

5 A. They towed it.

6 Q. Did it get moved more than once or
7 pretty much stay where it was?

8 A. No, they would have gone straight
9 from the launch facility at Bradford around
10 through the New River and back into one of the
11 spray sheds. I believe it was spray shed four,
12 three or four.

13 Q. Do you recall who the project
14 manager was on that particular job?

15 A. On that particular job it was
16 Torch.

17 Q. And what kind of interaction did
18 you have with Torch during this three month
19 period?

20 A. Almost daily. We would go over all
21 we needed to get done. He'd come to me with the
22 excuses why they couldn't get it done that day
23 and basically, basic project manager stuff.

24 Q. Okay, I see. What kind of dealings
25 would you have with Tony Watson?

1 A. Tony Watson was the foreman of the
2 welding department and I had pretty much a daily
3 rapport with him also.

4 Q. When you first went up to Bradford
5 to have this refit done or the vessel went up
6 there, did you or Mr. Smith request that Henry
7 Naranjo be one of the welders working on the
8 vessel?

9 A. Not at first, but after a while
10 Henry was, he was always there everyday. Did
11 very excellent work and so I asked Tony if it
12 was at all possible if I had a choice of any
13 welders I would prefer to have Henry work on the
14 boat.

15 Q. Were you on the vessel everyday?

16 A. Pretty much, yes. I was living on
17 board the vessel after, once it went back in the
18 water. I was living on board, so I was --

19 While it was out of the water I did
20 not live on the vessel.

21 Q. But once it went back in?

22 A. I was living on board.

23 Q. Were you living on board when the
24 explosion took place?

25 A. Well, I was working on board.

1 Q. Was there a project going on down
2 there that was putting a new hydraulic steering
3 system on?

4 A. Yes.

5 Q. What was your involvement in that
6 project, that part of the project?

7 A. That part of the project? Well, it
8 was decided amongst the hydraulic people that we
9 had a, we used to have a steering pump that was
10 in the engine room and we were running hydraulic
11 lines from the engine room all the way aft to
12 the steering and we decided that we needed to do
13 away with all of that hydraulic hose running
14 through the boat in case something broke. So
15 they decided to put the steering pumps in the
16 lazarette in the cockpit which were right on the
17 other side of the, basically the old transom of
18 the boat where the running gear was, underneath
19 the owner's stateroom bed.

20 Q. Who designed that project, do you
21 know?

22 MR. KALLEN: Which.

23 BY MR. FAMULARI:

24 Q. The project of putting the new
25 steering, hydraulic steering units in?

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1 Q. Working, but it was during that
2 time period?

3 A. Yes, it was, it was back in the
4 water.

5 Q. At the time of the explosion were
6 you on the vessel?

7 A. Yes, I was.

8 Q. And where were you?

9 A. I was in the engine room.

10 Q. And what did you observe when all
11 of this happened?

12 A. Well, I was down with the mechanic
13 and the electrician in the engine room and I
14 heard this massive explosion because there was,
15 you know, the air boxes were still fairly open
16 to the outside and we were inside of a tent, so
17 it echoed very nicely and you could feel the
18 whole boat shake.

19 Q. Just prior to the explosion taking
20 place and by just prior I mean, you know. The
21 two or three days before, what kind of work was
22 being done in the lazarette?

23 A. That I couldn't tell you because I
24 was on vacation the week before and I had just
25 returned the day before it happened.

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1 MR. KALLEN: Let me object to the
2 form of the question when you say designed.

3 BY MR. FAMULARI:

4 Q. I mean who -- Let me ask you this.
5 Who came up with the idea to move the pumps back
6 there and decided how they were going to be put
7 in and how to run the piping and the hoses on
8 that?

9 A. That mainly would have been done by
10 Bruce Adkinson who was the head of the
11 subcontractor for the hydraulics, Kewanee
12 (phonetic) or something like that, had a little
13 mermaid on the side of his truck. Other than
14 that his name is Bruce Adkinson. I can find out
15 exactly how you spell it, but that is who did
16 the work.

17 Q. When you came back from vacation
18 were they already working back in the lazarette?

19 A. Yes. I came on a Sunday, so Monday
20 -- I believe this was a Monday when this took
21 place, the 7th would have been a Monday.

22 Q. Did you go into the lazarette that
23 morning or at anytime before the explosion took
24 place after you got back from vacation?

25 A. I would say yes, I did go down in

1 there.

2 Q. Do you recall any observations,
3 anything that you saw or any discussions that
4 you might have had with anybody?

5 A. The discussions were that they were
6 going to drill and tap the new pumps into the
7 plate. The guy Brian Mink (phonetic) that was
8 working for Bruce Adkinson, he was working in
9 there and he drilled holes and he is the one
10 that discovered that the plate was too thin to
11 tap into and that is when this new plan of
12 tapping a quarter inch or, I mean, a half inch
13 aluminum plate and then welding it to the deck
14 came about.

15 Q. What was his name, the gentleman
16 that was drilling the holes?

17 A. Brian Mink.

18 Q. And who did he work for?

19 A. He worked for Bruce Adkinson.

20 MR. WEBER: Excuse me, was that

21 Brian Mink, M-I-N-K?

22 THE WITNESS: I believe so.

23 BY MR. FAMULARI:

24 Q. Did either Bruce Adkinson or Brian
25 Mink report to you during their work on this

1 was too thin so they were going to put some
2 doublers in and tap into, I think you said a
3 piece of half inch aluminum plate.

4 THE WITNESS: Yes.

5 BY MR. FAMULARI:

6 Q. Do you know where that idea came
7 from?

8 A. I think that was the only logical
9 explanation to handle at the time.

10 Q. Do you know who thought of it and
11 if you don't, that is fine?

12 A. No, I would say I don't.

13 Q. Do you recall being involved in any
14 of the discussions on how to, how they were
15 going to mount those pumps?

16 A. They said we could just put the
17 pumps right on this plate and weld the plate to
18 the deck and we would be basically a half inch
19 higher than we were going to be in the first
20 place.

21 It was the only place available in
22 the cockpit to put the pumps and we already had
23 everything laid out for that location.

24 Q. Do you recall if Tony Watson was
25 there during any of those discussions?

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1 project?

2 A. Well, they would have said that
3 they tried to drill and there wasn't enough meat
4 to tap into and that is when they would have
5 said we need to do something different.

6 Q. And again whose idea was it to put
7 the doubler plates on there that they were going
8 to tap into?

9 MR. KALLEN: Whoa, whoa, let's back
10 up.

11 MR. FAMULARI: Okay.

12 MR. KALLEN: Let me object to the
13 form.

14 MR. FAMULARI: Okay.

15 MR. KALLEN: I think you skipped
16 something there. I am not sure that there
17 was any testimony yet as far as tapping into
18 doubler plates or a decision to put doubler
19 plates.

20 MR. FAMULARI: Yes, I think before
21 he did say that --

22 MR. KALLEN: Okay.

23 MR. FAMULARI: -- That Brian Mink
24 had, or somebody from Adkinson discussed
25 they couldn't tap into the deck because it

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1 A. Tony Watson, I'm sure he would have
2 had to have been there for at least part of the
3 discussion because he would be the one to tell
4 Henry that that is what had to be done.

5 Q. Do you recall Henry being there
6 during any of the discussions?

7 A. Usually when we were discussing a
8 job Henry was there and usually Tony was there
9 at the same time. I can't remember exactly if
10 they were there or not when this all took place,
11 but --

12 Q. Do you recall if prior to the
13 explosion and prior to that day when they were
14 discussing putting the hydraulic pumps in
15 whether there was any other hot work done in the
16 lazarette?

17 A. At that time I would say probably
18 not.

19 Q. When you took delivery of the boat
20 from, after the boat show, do you recall going
21 in the lazarette or inspecting the space back
22 there at all?

23 A. I had been in the lazarette many
24 times after the boat show, yes.

25 Q. But before the major refit started?

1 A. Yes. We used it for storage so, I
2 mean, fenders were down there. Power cords were
3 down there. Every time that we pulled into a
4 dock I had to get down in the hold and dig
5 something out.

6 Q. Okay, and that is what I was going
7 to ask you, what you did, did you use it for
8 storage?

9 A. Yes.

10 Q. What did you use it for? Anything
11 else that you put in there?

12 A. No, it was mainly -- there was an
13 anchor back there, a spare anchor line for that,
14 about 200 feet of one inch line. We had, you
15 know, blow up fenders back there.

16 I believe we kept a boarding ladder
17 back underneath there. And other than that I
18 would -- It got wet, so you couldn't put
19 anything down there that couldn't take salt
20 water.

21 Q. Did the vessel carry -- did the
22 main yacht carry a tender?

23 A. Yes, it did.

24 Q. What was the power for the tender?

25 A. It was a fifty horse Yamaha four

1 the sea conditions.

2 Q. What kind of pumping system was
3 back in the lazarette?

4 A. It had two 24 volt power pumps that
5 had pick-ups down in the bilge area. And when
6 the float went on to turn on the bilge pumps a
7 light would come off either in the pilothouse or
8 the fly bridge letting you know that you had a
9 bilge pump running.

10 Q. And what was the -- Do you know
11 what the diameter of the intake was on those
12 pumps?

13 A. Not exactly. A guess, three
14 quarter, an inch.

15 Q. And you said they were 24 volt DC?

16 A. Yes.

17 Q. Were the pickups on those pumps
18 located right at the back, the last transom?

19 A. Yes.

20 Q. And if I recall the pictures that I
21 have seen of this in the lazarette there was,
22 the deck didn't quite go all the way back, there
23 was a space between where it stopped?

24 A. And the actual transom.

25 Q. And the transom where it went down

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1 stroke.

2 Q. Where was the fuel for that
3 carried?

4 A. That was kept on the boat deck
5 right by the tender. And there wouldn't have
6 been -- nothing was on the boat at the time
7 because we were in -- the tender was wrapped up,
8 shrink-wrapped in the front of the yard and
9 nothing was on the top deck because it was under
10 construction at the time also.

11 Q. Do you know if at anytime after Mr.
12 Smith took delivery of the boat whether there
13 were any flammable liquids stored down in the
14 lazarette?

15 A. We never stored flammable liquids
16 down there, no.

17 Q. You mentioned earlier that it would
18 get wet down there. Were the hatches on that,
19 the top deck on that lazarette area watertight?

20 A. No.

21 Q. Was that an area that while you
22 were at sea was low enough to be awash in any
23 kind of a sea?

24 A. It would take spray. There would
25 be water back there occasionally, depending on

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1 three or four inches?

2 A. Yes, in that location, yes.

3 Q. And is that where the water would
4 build up?

5 A. Yes.

6 Q. Do you recall if there were ever
7 any times during the short period that you ran
8 this boat prior to the refit, whether there was
9 ever water in there that got up on to the, you
10 know, the main part of the deck in the
11 lazarette?

12 A. Well, any water that would go in
13 there would drain into that area. That is how
14 it was arranged.

15 Q. Were the pumps set up in such a way
16 that the floats that were there could never
17 really be a lot of water --

18 A. Correct.

19 Q. -- Get in there unless there was
20 some type of a catastrophe?

21 A. Correct, right. There was a high
22 water alarm in there also and that had never
23 gone off.

24 Q. Where was the high water alarm
25 located?

1 A. Just above the regular float
2 switch, in that same area.

3 MR. FAMULARI: John, I have got
4 some pictures that we took recently and I
5 know that they are probably a little bit
6 different, but it may show what it looked
7 like back then just so we know we are
8 looking at the same thing.

9 MR. KALLEN: Whoa, whoa, whoa. For
10 the record, these are photographs taken of
11 the vessel in her present condition?

12 MR. FAMULARI: They were taken
13 about two weeks ago by Mr. Valdes.

14 MR. KALLEN: Okay, so you want --

15 MR. FAMULARI: You know, I just
16 want to confirm that the area back there
17 where the last transom was was basically
18 like that.

19 THE WITNESS: The bilge pumps are
20 in the exact, they are in the same location
21 as they were when it happened and everything
22 that you see on there other than these posts
23 that were put in there, that is to hold the
24 spare props. Everything else looks exactly
25 the same as it did prior to the explosion.

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1 Other than these deck hatches were added
2 when we did the, when we fixed from the
3 explosion.

4 BY MR. FAMULARI:

5 Q. Okay.

6 A. We went from having five hatches
7 back here to the two big hatches to allow easier
8 storage. And these hatches were watertight when
9 we put these back in.

10 Q. In this lazarette area, some people
11 call it the cockpit extension. Were there any
12 fuel lines running back there at all?

13 A. No.

14 Q. Were there any -- And this is prior
15 to the refit. Were there any hydraulic lines
16 running back there?

17 A. No.

18 Q. What about electric, any kind of
19 electrical lines, conduit?

20 A. There would -- This whole cockpit
21 was set up for fishing, so there were wires back
22 there to -- pumps and a lot of PVC pipe around
23 down there that used to go to the live bait
24 well, that sort of thing.

25 The cockpit was its own entity

1 added on to the boat. I mean, no -- nothing
2 went through to the other side of the boat other
3 than a sump tank discharge and that water system
4 back there only ran in the cockpit. It went
5 nowhere else on the boat at the time.

6 Q. The wires that came in, did they
7 run through conduit?

8 A. I would -- Yes, I would say that
9 they would have to.

10 Q. Do you recall where on the bulkhead
11 on the forward end of the lazarette they ran
12 through, you know, the top, the middle, the
13 bottom?

14 A. No, but there is pictures that you
15 would be able to see them. It would be on the
16 forward bulkhead.

17 MR. KALLEN: Whose pictures are
18 those?

19 MR. FAMULARI: I don't know, these
20 are the ones that --

21 THE WITNESS: Those would have been
22 the ones that Torch took on the digital
23 camera and printed them out.

24 MR. FAMULARI: Have we already put
25 these into evidence at some time or

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1 another?

2 MR. KALLEN: No, I don't think so.
3 (Discussion off the record.)

4 MR. FAMULARI: Back on the record.
5 Why don't we look at this one. The top of
6 it says SCS & Associates.

7 MR. KALLEN: That would be
8 Bradford's, the surveyor.

9 MR. FAMULARI: I think we got these
10 from Bradford. You should have a copy of
11 these.

12 MR. KALLEN: I think I have a copy
13 of the big ones, not these little ones.

14 MR. VALDES: We can get them copied
15 for you.

16 MR. KALLEN: What exhibit number
17 are we up to, David, do you know?

18 MR. WEBER: I don't.

19 MR. FAMULARI: We were expecting
20 you to keep track of us because we are all a
21 bunch of disorganized people down here.

22 MR. KALLEN: You know, I think I
23 know. If you give me a second I'll check.

24 MR. FAMULARI: Why don't you,
25 because we are doing the exhibits

1 look at those pictures and see if there is
 2 anything else that we want to ask.
 3 (Thereupon, a short recess was
 4 taken.)
 5 BY MR. FAMULARI:
 6 Q. Back on the record. Captain
 7 Bredbeck, your attorney handed me a stack of
 8 photographs. Could you tell me if you recognize
 9 those?
 10 A. Yes, I do.
 11 Q. And did you take those photographs?
 12 A. Yes, I did.
 13 Q. And when did you take them?
 14 A. They would have been taken right
 15 after the explosion.
 16 Q. And what are they photographs of?
 17 A. This is the destruction that took
 18 place during the explosion.
 19 Q. I believe there were 23 photographs
 20 there?
 21 MR. KALLEN: And just so we are
 22 clear, I grabbed them off my desk so I'll
 23 double-check my desk to make sure that there
 24 is not one or two others laying loose,
 25 but --

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1 MR. FAMULARI: You took the ones
 2 that with the dynamite that was on the edge.
 3 MR. KALLEN: Yes, yes.
 4 BY MR. FAMULARI:
 5 Q. We would like to attach these as --
 6 do you want to do them as a composite?
 7 MR. KALLEN: Yes, composite Exhibit
 8 26, yes.
 9 MR. FAMULARI: Yes, composite of
 10 Captain Bredbeck's photos, okay.
 11 (Thereupon, the above-mentioned
 12 photographs were marked as Plaintiff's
 13 Composite Exhibit No. 26 for identification this
 14 date.)
 15 MR. FAMULARI: Off the record for a
 16 second.
 17 (Discussion off the record.)
 18 BY MR. FAMULARI:
 19 Q. Captain Bredbeck, I am going to
 20 show you a drawing of what purports to be the
 21 vessel that I think that your attorney sent us.
 22 I am sorry, Mr. Smith's attorney sent us.
 23 MR. KALLEN: Oh, okay.
 24 BY MR. FAMULARI:
 25 Q. Yes. Do you know if this

1 particular drawing was on the vessel prior to
 2 the explosion?
 3 A. I couldn't say. They were supposed
 4 to have the full package of blueprints to the
 5 vessel and most of them were there.
 6 CONTINUED DIRECT EXAMINATION
 7 BY MR. VALDES:
 8 Q. Did you ever see this plan before
 9 the explosion?
 10 A. I can't say that, if I looked at
 11 it, this particular plan, no.
 12 Q. Had you looked at all of the other
 13 plans?
 14 A. Not all of them, no.
 15 Q. Where were they kept?
 16 A. They were kept in the main salon
 17 and like a, what you would call one of those
 18 legal folders.
 19 Q. How many were in there?
 20 A. Oh, fifty to one hundred, I would
 21 imagine. These are the construction drawings
 22 for the whole entire boat.
 23 Q. And those were on board, right?
 24 A. Yes.
 25 Q. So you would assume that this one

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1 was in there, too?
 2 A. I would assume, yes.
 3 Q. But you had never seen this one
 4 before?
 5 A. I can't say if I did or didn't.
 6 Q. You don't remember?
 7 A. Four years ago, I don't remember
 8 looking at --
 9 Q. And these plans were available when
 10 they were doing work on the boat?
 11 A. Yes, everything was always
 12 available if they wanted to look at it. Most of
 13 the time, like I said, nobody did because, like
 14 I said, these would have been fifteen years old
 15 at the time and boats get changed all the time.
 16 And when you do a change you don't necessarily
 17 do a drawing.
 18 Q. Do you know how to read these
 19 plans?
 20 A. More or less. This is weld and
 21 stuff. I don't understand this. This is
 22 construction drawings.
 23 I know more about this stuff now
 24 because I am in the process of building a brand
 25 new boat and I am more involved in the plans

1 everyday.
2 At this time I wasn't. I would say
3 here you go, here is your drawing, if you want
4 to look at it, go ahead.

5 Q. If you look at this plan, and I
6 guess we'll mark it as Exhibit 27 so we know
7 what we are talking about --

8 (Thereupon, the above-mentioned
9 drawing was marked as Exhibit No. 27 for
10 identification this date.)

11 BY MR. VALDES:

12 Q. If you look at the lower left-hand
13 corner it shows a side view of the cockpit
14 extension?

15 A. Yes.

16 Q. Is that correct?

17 A. Yes.

18 Q. You can understand what you're
19 looking at there, right?

20 A. Yes.

21 Q. In fact, it has even got ballast?

22 A. Yes, the ballast.

23 Q. The deck?

24 A. I would assume that was cement,
25 correct.

1 that because, like I said, when you stepped on
2 to this deck you could tell that it was not
3 solid. You could tell that -- How big the gap
4 was I couldn't tell you, but you could tell that
5 it definitely was not stepping down on to
6 cement.

7 Q. Did you physically help in the
8 removal of the deck after the explosion, the
9 work that Tony Watson did?

10 A. I wouldn't be involved in the work
11 of it, no.

12 Q. So you didn't have anything to do
13 with the ripping out of the floor that buckled
14 upward?

15 A. No, no.

16 Q. Okay, and that would have been
17 something that Tony Watson did?

18 A. That would have been handled by
19 Bradford. They did the total reconstruction of
20 the deck also.

21 Q. And if he testified, Tony Watson
22 testified that this deck was seam welded
23 completely around, is he correct?

24 A. I would say no. You could see in
25 these pictures that it wasn't.

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1 Q. And the deck above it?
2 A. Correct.
3 Q. Do you see the deck?
4 A. I do. This would be the deck, so
5 this would be a void area there. It looks like.

6 Q. Okay.

7 A. You can look at it over here also.

8 Q. That is on the right-hand side of
9 this drawing that is marked as Exhibit No. 27?

10 A. That is looking forward.

11 Q. And that would be, looks like a
12 side cut of the rear portion of the transom?

13 A. Yes, it would be -- looks like
14 looking forward.

15 Q. And it shows the ballast and the
16 decking?

17 A. Yes.

18 Q. Okay, do you remember telling Mr.
19 Naranjo that the cement and the deck were flush?

20 A. No, I do not.

21 MR. KALLIN: Object to the form.

22 BY MR. VALDES:

23 Q. You don't remember telling him
24 that?

25 A. No. I doubt if I would have said

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1 Q. Those pictures were taken after the
2 explosion and the deck was blown upward,
3 correct?

4 A. Correct.

5 Q. Okay, what I am asking you is --

6 A. You see, you can see where the tack
7 welds were done, only in three inch sections all
8 the way around and you can see that running
9 around the edge.

10 Q. Well, the tech welds that you are
11 showing me on this photograph that you took are
12 in the middle of the picture, but they're not
13 around the edge of the picture or around the
14 perimeter of the aluminum deck which is what we
15 are talking about.

16 A. There is one right there. You can
17 see it in a few other ones, these too. Here,
18 this one shows you very well. Boom, boom,
19 boom. You can see right where that is, where
20 that was welded down.

21 If it was one continuous thing you
22 would be able to see the bead all the way
23 across. Same thing in this picture.

24 Q. So if there is a picture that shows
25 a complete bead or line, that would be

1 indicative that that is a seam weld, correct?
2 MR. KALLEN: Object to the form.
3 BY MR. VALDES:
4 Q. Captain?
5 A. A seam weld?
6 Q. You do know what a seam weld is,
7 correct?
8 A. No, I do not.
9 Q. If there are photos showing that
10 the deck, the aluminum deck which blew up had
11 been welded completely around, would you agree
12 that that is what the photos purport to show?
13 A. If someone could say that that is
14 how it looked, I wouldn't know what a blown up
15 seam would look like.
16 To me it looks like this thing was
17 tack welded because I can see where there was --
18 Q. You think that it was tack welded?
19 A. To my knowledge I would say that it
20 was tack welded.
21 Q. But if there are photographs that
22 show that it was seam welded, then you would
23 retract your statement that it wasn't seam
24 welded?
25 MR. KALLEN: Object to the form.

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1 BY MR. VALDES:
2 Q. You have to answer the question?
3 A. I would stand corrected, yes.
4 Q. Was it you that instructed Henry to
5 weld the plate down in the lazarette, the
6 doubler plate so they could put in the pump, the
7 hydraulic pump?
8 A. I would have talked to Tony Watson
9 and we would have said this is what we need to
10 have done because like anything else at Bradford
11 it has to have a work order associated with it.
12 Q. Okay, was there anytime while you
13 were at Bradford that they were going to do
14 something that you didn't want them to do in a
15 certain way and you told them don't do it that
16 way?
17 A. No.
18 Q. You could never overrule any of the
19 people at Bradford, is that what you're saying?
20 A. Not for how they, how they wanted
21 to do things, no.
22 Q. Or what you wanted done?
23 A. I would ask for what I wanted done
24 and what I needed to have done and they would do
25 it the way that they wanted to do it. As long

1 as I got the final --
2 Q. Did you request any work to be done
3 on any work orders?
4 A. What do you mean by that?
5 Q. Did you ever come in and say I want
6 this done this way and it would be reflected in
7 a work order as per the captain's instructions?
8 A. As per the captain's instructions I
9 would say, yes, I need this welded here or that
10 welded there.
11 Mainly it was somebody else needing
12 that done. I am the one that had to tell the
13 yard to do it because I was a representative for
14 the boat.
15 Q. Okay, and when this explosion took
16 place you were employed by Stephen Byrons Smith,
17 is that correct?
18 A. Yes.
19 Q. And you were his captain on board
20 the vessel?
21 A. Yes.
22 Q. Okay, did you have any other crew
23 living on board the vessel?
24 A. No.
25 Q. Pierce was not living with you?

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1 A. No.
2 Q. Was there any other crew on board,
3 any other crew member?
4 A. No.
5 Q. There was only the captain and a
6 mate --
7 A. Yes.
8 Q. -- At the time of the explosion?
9 A. Yes. And like I said, normally I
10 didn't even employ Mr. Pierce as a full-time
11 mate. It was just for during the refit.
12 Because he lived in Fort Lauderdale full time
13 and we traveled with the boat.
14 Q. Okay, did it concern you any that
15 the lazarette aluminum deck, we are talking
16 about the lower portion, couldn't be vented?
17 A. It didn't concern me. I, I have no
18 reason to be concerned about it.
19 Q. Okay, but as a captain on board a
20 vessel and you do know, you hold a license for a
21 two hundred ton craft, correct?
22 A. Correct.
23 Q. You are familiar that boats need to
24 be vented so that gases don't build up in void
25 spaces, is that correct?

1 MR. KALLEN: Object to the form.
 2 You can answer.
 3 THE WITNESS: Normally, yes, you
 4 vent areas so you don't --
 5 BY MR. VALDES:
 6 Q. Right, and the reason that you vent
 7 them is because you don't want gases to build up
 8 and if you turn on an engine or turn over the
 9 engine it can cause a spark and cause an
 10 explosion, correct?
 11 A. Well, that is in a gasoline boat.
 12 This is a diesel.
 13 Q. Same principle?
 14 A. You don't have that explosive
 15 factor.
 16 Q. But the reason that you would want
 17 to vent a void space is so that you don't have
 18 the build up of gases, correct?
 19 MR. KALLEN: Object to the form.
 20 BY MR. VALDES:
 21 Q. You can answer. You have to
 22 answer?
 23 A. Well, yes.
 24 Q. And you know that, correct, as a
 25 captain?

1 A. Yes.
 2 Q. You have to answer out loud?
 3 A. Yes.
 4 Q. And you knew before the explosion,
 5 correct?
 6 A. Yes.
 7 Q. And you know that as you are
 8 sitting here today?
 9 A. Yes.
 10 Q. Because in your experience as a
 11 seagoing seaman, right, or captain?
 12 A. Whatever, yes.
 13 Q. Sailor?
 14 A. Yes.
 15 Q. You were in the Navy. How long
 16 were you in the Navy?
 17 A. Three and a half years.
 18 Q. What did they teach you in the
 19 Navy, what specialty did they train you for?
 20 A. I was a bosun's mate.
 21 Q. Okay. How long were you --
 22 A. We loaded -- I was on a submarine
 23 tender taking care of nuclear submarines.
 24 Q. Did you ever serve on board a
 25 submarine?

1 A. No, thank God.
 2 Q. When you served in the Navy the
 3 void spaces on board those vessels had means to
 4 vent them, did they not?
 5 A. I am sure. I couldn't say whether,
 6 if I was familiar with any void areas on ships.
 7 I was on deck crew.
 8 Q. Okay, when Mr. Smith purchased the,
 9 this yacht and it's called the SOUVENIR,
 10 correct?
 11 A. When he owned it, yes.
 12 Q. That is a million dollar yacht; is
 13 that correct?
 14 A. They are all worth whatever someone
 15 will pay for them.
 16 Q. Mr. Smith paid --
 17 A. Paid I believe 1.3 million dollars
 18 to buy this boat used.
 19 Q. And then he put another three or
 20 four hundred thousand in repairs, correct?
 21 A. A little more than that, actually.
 22 Q. So we are talking over a million
 23 and a half dollar yacht?
 24 A. I would imagine, yes.
 25 Q. And when he was going to purchase

1 this boat you and he and the former owner and
 2 his captain met the surveyor and that is Patton
 3 Marine?
 4 A. Yes, correct.
 5 Q. And you were aboard for two days
 6 conducting see trials?
 7 A. Yes.
 8 Q. Is that correct?
 9 A. Correct.
 10 Q. And you inspected the boat?
 11 A. Correct.
 12 Q. And you had every opportunity to
 13 look the boat over, up and down in all the nooks
 14 and crannies and look at all of the problems?
 15 A. Correct.
 16 Q. And he issued, Mr. Patton issued a
 17 report, is that correct?
 18 A. Yes.
 19 Q. Or Patton Marine issued a report?
 20 A. Yes.
 21 Q. And did you read that report before
 22 they took delivery of the vessel?
 23 A. Yes, we did.
 24 Q. And are you familiar with it?
 25 A. Well, it is, you know, four years

1 ago, but --
2 Q. I am going to hand you a copy of
3 the Patton Marine surveyor's report and ask you
4 if you have ever seen that document before and
5 we'll mark it as composite Exhibit 28.
6 A. Yes, I have seen this before. This
7 was on board the vessel the whole time also.
8 (Thereupon, the above-mentioned
9 document was marked as Composite Exhibit No. 28
10 for identification this date.)
11 BY MR. VALDES:
12 Q. The surveyor's report that we have
13 marked as Exhibit 28 was on board the vessel?
14 A. Yes, it was.
15 Q. And you knew that it was on board
16 the vessel?
17 A. Yes.
18 Q. And where was it kept?
19 A. It was kept in the file cabinet in
20 the pilothouse.
21 Q. With the blueprints or near the
22 blueprints?
23 A. Near the blueprints, yes.
24 Q. You have been captain of how many
25 yachts before this explosion? Can you count

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1 them up?
2 A. Well, that I worked on board or
3 captained?
4 Q. Yes?
5 A. Which would you like?
6 Q. Both?
7 A. Worked on board many. I was
8 captain of three boats.
9 Q. Prior to the explosion?
10 A. Yes.
11 Q. And in all of that time how many
12 years would you say?
13 A. Ten years.
14 Q. In all of that time did you ever
15 have, did you ever serve on board a vessel or
16 captain a vessel that had an area with a void
17 space that could not be vented?
18 A. I already answered that, no. Not
19 that I am aware of, no.
20 Q. You said that you are helping your
21 boss now construct another yacht?
22 A. Correct.
23 Q. Are you overseeing that work?
24 A. Yes, I am.
25 Q. Is that up in Vancouver?

1 A. Yes.
2 Q. What type of yacht is that?
3 A. That is an 87 foot motor yacht,
4 fiberglass construction, fiberglass core
5 construction.
6 Q. Does it have any ballast?
7 A. Just fuel and water.
8 Q. No cement, no lead?
9 A. No, no cement, no lead.
10 Q. Do you know if this vessel had been
11 gas freed prior to the explosion?
12 A. The whole vessel was gas freed.
13 There was no fuel on board. There were
14 certificates on file for all of those -- Henry
15 had, as a matter of fact, had welded almost all
16 of the fuel tanks on the boat where the leaky
17 fuel was and he had fixed those.
18 Q. This looks like a very poor quality
19 copy, but I am going to hand it to you and ask
20 you. I will hand it to your attorney.
21 MR. FAMULARI: That has already
22 been marked.
23 BY MR. VALDES:
24 Q. I will ask him. Take a look at
25 that, sir, and we'll mark that as Exhibit 29.

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1 Have you ever seen that document before?
2 MR. FAMULARI: That has already
3 been marked.
4 THE WITNESS: Exhibit A.
5 MR. FAMULARI: Is that the gas
6 free?
7 MR. VALDES: No.
8 MR. FAMULARI: I am sorry.
9 THE WITNESS: That is a standard
10 Bradford Marine document.
11 (Thereupon, the above-mentioned
12 document was marked as Exhibit No. 29 for
13 identification this date.)
14 BY MR. VALDES:
15 Q. Is that your signature at the
16 bottom?
17 A. Yes.
18 Q. As an authorized representative of
19 vessel and/or owner?
20 A. Yes.
21 Q. And it's dated 4-7-97?
22 A. Yes, that would have been when we
23 pulled into Bradford. You have to fill one of
24 those -- every boat that pulls into Bradford has
25 to fill out one of those upon arrival.

1 sequentially.
 2 MR. KALLEN: So you don't want to
 3 mark these other three that you showed him?
 4 MR. VALDES: Yes.
 5 MR. FAMULARI: Okay, why don't we
 6 -- we'll mark these.
 7 MR. KALLEN: All right, give me a
 8 second.
 9 MR. FAMULARI: David, we are not
 10 really looking at anything that we haven't
 11 already looked at.
 12 (Discussion off the record.)
 13 MR. FAMULARI: Back on the record.
 14 MR. KALLEN: Last one I show is
 15 Exhibit 20 from the deposition of Marlene
 16 Ramirez. She was the last deponent, wasn't
 17 she? So I suppose the last exhibit was 20,
 18 so we are up to 21. 21 will be three photos
 19 of new boat, so to speak?
 20 MR. FAMULARI: Yes, or you could
 21 say pictures taken in --
 22 MR. KALLEN: January.
 23 MR. FAMULARI: January of 2001.
 24 MR. KALLEN: Okay. And you want
 25 him to look at Exhibit 22.

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1 (Thereupon, the above-mentioned
 2 photograph was marked as Exhibit No. 21 for
 3 identification this date.)
 4 BY MR. FAMULARI:
 5 Q. Could you look at that picture
 6 which was taken --
 7 A. Right after.
 8 Q. Yes, right after the explosion and
 9 is that your recollection of what it looked like
 10 back then?
 11 A. What we are looking at here, these
 12 are the float switches that turn on the bilge
 13 pump and the next one up here is the high water
 14 alarm.
 15 MR. VALDES: Just for clarity, you
 16 are talking about the top picture on Exhibit
 17 22?
 18 THE WITNESS: Correct.
 19 (Thereupon, the above-mentioned
 20 photograph was marked as Plaintiff's Exhibit No.
 21 22 for identification this date.)
 22 BY MR. FAMULARI:
 23 Q. When Mr. Smith was thinking of
 24 buying the boat at the Miami Boat Show were you
 25 with him?

1 A. Yes.
 2 Q. Did you go through the boat with
 3 him?
 4 A. Yes.
 5 Q. Did he have the boat surveyed prior
 6 to --
 7 A. Yes.
 8 Q. Do you remember who the surveyor
 9 was on that?
 10 A. Patton I believe did it.
 11 Q. Dave Patton?
 12 A. Well, Patton.
 13 Q. One of the Patton people?
 14 A. I can't think of the guy's name.
 15 MR. KALLEN: You have the survey
 16 report. We provided that.
 17 BY MR. FAMULARI:
 18 Q. Yes. Did you review the survey
 19 report at that time?
 20 A. Yes.
 21 Q. Was there a sea trail done on the
 22 vessel at that time?
 23 A. Yes.
 24 Q. Did you go?
 25 A. Yes.

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1 Q. Prior to the explosion in July of
 2 1997 had you ever seen a set of the drawings of
 3 the vessel?
 4 A. Yes.
 5 Q. Was there a set that was kept on
 6 the vessel --
 7 A. Yes.
 8 Q. -- Itself?
 9 A. Yes.
 10 Q. Were they, were the drawings there
 11 on the day of the explosion?
 12 A. They would have been on board, yes.
 13 Q. Do you recall if at anytime just
 14 prior to or during the refit Bradford asking for
 15 the plans or looking at any of the plans in
 16 order to do some of the work?
 17 A. No, I can't remember exactly, no,
 18 if they looked. They were available if they
 19 wanted. They were there.
 20 Q. What about Bruce Adkinson, do you
 21 recall if he looked at the plans or asked to see
 22 the plans at anytime?
 23 A. No, probably not, no. By this
 24 point the boat had been totally ripped apart and
 25 everybody pretty much seen how it was put

1 together.
2 Q. Were there many sets of drawings on
3 the vessel or just --
4 A. No, many.
5 Q. Many sets?
6 A. Yes. Most of them were original.
7 That is a copy, obviously.
8 MR. KALLEN: Let's go off the
9 record.
10 (Discussion off the record.)
11 MR. KALLEN: We are back on the
12 record.
13 MR. VALDES: Yes, let's go back on
14 the record.
15 BY MR. FAMULARI:
16 Q. Prior to the explosion, Captain
17 Bredbeck, what was your understanding as to what
18 was underneath that aluminum deck on the floor
19 of the lazarette?
20 A. All I have known, all I knew at the
21 time is what they told me in the survey and the
22 guy that Mr. Smith bought the boat from that
23 that, that Palmer Johnson when they added the
24 extension of the cockpit poured cement into the
25 bilge to counteract the displacement.

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1 Q. Did you know, you know, how high
2 the cement came in there?
3 A. No, I did not.
4 Q. Was there a void space or anything
5 like that?
6 A. No, I did not.
7 Q. Prior to the explosion on this
8 particular day did you have any conversations
9 with Henry Naranjo about welding on the back, in
10 the lazarette compartment?
11 A. I didn't understand you.
12 Q. Prior to the explosion, that
13 morning, that Monday morning, if it was indeed a
14 Monday, prior to the hot work being done down
15 there do you recall having any conversations
16 with Henry about what was underneath that
17 decking in the lazarette?
18 A. Not per se. I know I would have
19 told him that there was cement down there and he
20 asked about the two tanks back there and I said
21 those are water tanks and that was pretty much
22 the extent of it, as I recall.
23 Q. On the date of the accident was
24 Henry working in any other projects on the
25 vessel that you know of?

1 A. That I can't recall. There was lot
2 of projects going on. It is hard to keep track
3 of them.
4 Q. One of the things that we are
5 having a little bit of a problem with here is
6 Bradford is, you know, has work orders and work
7 numbers for everything and we have some earlier
8 work orders that have already been put into
9 evidence with some of the Bradford people that
10 talks about Henry welding some things on the
11 mast and maybe something else, but there is --
12 there was no work order time sheet that deals
13 with his work in the lazarette that day, I
14 believe.
15 MR. KALLEN: Let me object to the
16 form.
17 MR. FAMULARI: Okay.
18 MR. KALLEN: To the extent that you
19 are representing what is in those invoices
20 and work orders.
21 BY MR. FAMULARI:
22 Q. And I just want to -- I am just
23 asking you if that day as far as you know Henry
24 was doing some work in the lazarette?
25 A. He would have been doing this

1 plate.
2 Q. Would that be something that you
3 would have asked him to do?
4 A. I would have said to -- we would
5 have had to get Tony Watson there to approve his
6 job and we would have said this is what we need
7 done.
8 Now, in the whole realm of things
9 until this thing blew up it was supposed to be a
10 ten minute job and nobody thought much about it
11 until this thing happened.
12 Q. Do you recall when you came on the
13 vessel that, the morning of the explosion
14 whether the hatches were off the top deck of
15 that lazarette?
16 A. They would have been off, yes.
17 Q. Do you recall whether anybody from
18 Bradford had put down a ventilator or a blower
19 back there prior to the work being done?
20 A. Henry had a blower that is also
21 visible in one of these pictures. I believe it
22 was black with a squirrel cage type.
23 And they had a fire watch posted in
24 the master's stateroom which would have been on
25 the other side of the bulkhead.

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1 Q. Do you happen to recall who the
2 fire watch was?
3 A. No, I do not.
4 Q. Do you know for a fact that they did
5 have a fire watch in there?
6 A. Actually, I can't even say it for a
7 fact, but they were very careful about having
8 fire watches on the other side of any bulkhead
9 when they were doing welding.
10 Q. Was that your experience in dealing
11 with Bradford, that they were careful about
12 that?
13 A. Yes.
14 Q. Okay, why don't we just take a look
15 at these two. John, those are some more of the
16 Bradford pictures, just to show the blower that
17 was in the lazarette.
18 MR. KALLEN: Okay.
19 BY MR. FAMULARI:
20 Q. Does that look like the blower
21 that --
22 A. That is the blower, right, yes.
23 (Thereupon, the above-mentioned
24 photos were marked as Plaintiff's Exhibit Nos.
25 23 and 24 for identification this date.)

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1 BY MR. FAMULARI:
2 Q. You mentioned you were in the
3 engine room when the explosion took place. What
4 did you do after the explosion?
5 A. Well, after the explosion and we
6 said what the hell happened, we went running to
7 the back of the boat at which time everybody was
8 kind of congregating around the cockpit and one
9 of my guys that worked for me on the boat, my
10 mate was, he was also a paramedic, jumped out on
11 the cockpit and was helping Henry crawl out of
12 the hole.
13 Q. What was his name?
14 A. Doug Pierce.
15 Q. Does he still work with you?
16 A. No. No, he is going back to school
17 to get a full fledge paramedic and some other
18 kind of rating in Texas.
19 Q. Is he local?
20 A. He is in Texas.
21 Q. Do you know how to get hold of him?
22 A. I do know how to get hold of him if
23 necessary, yes. I believe I gave you his
24 number; didn't I?
25 MR. KALLEN: No.

1 THE WITNESS: I can get that.
2 MR. KALLEN: If you did, I won't
3 tell you.
4 (Discussion off the record.)
5 MR. KALLEN: I will get it for you.
6 BY MR. FAMULARI:
7 Q. Who did you talk to after the
8 incident, anybody from the yard?
9 A. After the incident, after the
10 explosion?
11 Q. That day?
12 A. We talked to lots of people after
13 that happened and they had the fire department
14 was there, the police were there.
15 Bradford had their insurance
16 investigator on the spot within the hour and
17 then my boss' insurance company. What is this
18 guy's name, Bob Heakon (phonetic) showed up the
19 next day.
20 The whole area was taped off. No
21 one was allowed to go in and out until they did
22 their investigation, about two weeks worth.
23 They had metallurgist there, the whole
24 enchilada.
25 Q. Did you give any statements to

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1 anybody?
2 A. Did I give any statements to
3 anybody?
4 Q. In other words, did anybody ask you
5 for a statement that they either wrote down or
6 recorded?
7 A. A fire chief or a fire investigator
8 on the scene was the one that was asking me the
9 questions.
10 Q. Do you recall if he was a Broward
11 County person or a State of Florida?
12 A. I believe he would have been
13 Broward County. They came from Davic, the fire
14 department did.
15 Q. What about anybody else, if you
16 recall?
17 A. Bradford's insurance guy showed up
18 and he started asking questions. Not anyone
19 else that I can think of at this time.
20 Q. Did you speak with Mark Tortora
21 after?
22 A. Yes, Torch would have been there.
23 Q. Do you recall what you and Mr.
24 Tortora discussed?
25 A. No, I do not.

1 Q. What about, do you know Peter
2 Rimmel?
3 A. Name sound familiar, but I --
4 Q. He is the marine chemist?
5 A. Oh, okay, that was the guy that
6 came, yes.
7 Q. Do you recall talking to him after
8 the explosion took place?
9 A. I think he was there like a day or
10 two afterwards, if I remember correctly.
11 Q. Do you recall having any
12 conversations with him?
13 A. Just explaining, you know, what
14 happened, telling him what happened. What I
15 kept down there, same scenario.
16 Q. There was some speculation in some
17 of the other depositions about a can of acetone
18 being on the deck the day before or several days
19 before that may have been spilled.
20 Is that anything that you are
21 familiar with?
22 A. There were cans of acetone and
23 reducer in the cockpit at the time of the
24 explosion. I mean, you can see in some of those
25 pictures there is cans of it sitting back

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1 there.
2 I believe there were reducers in a
3 green can, an All Grip product. Very
4 flammable. Acetone, they had acetone around all
5 the time because that is what they had to use to
6 clean up with to get the fill off them.
7 Q. When you say in the cockpit, you
8 are talking that extension that was put on the
9 boat?
10 A. Yes.
11 Q. Are you talking about --
12 A. It would have been on the wood,
13 wooden part of the deck here up on this area
14 which was all covered at the time, naturally,
15 with that blue, with this stuff that would be
16 over everything.
17 MR. KALLEN: Referring to above the
18 lazarette.
19 THE WITNESS: Above the lazarette,
20 yes.
21 MR. VALDES: Not below.
22 THE WITNESS: To the best of my
23 knowledge there was no acetone or anything
24 down in the lazarette area.
25 The paint, fairing crew was the one

1 that uses the acetone and reducer.
2 BY MR. FAMULARI:
3 Q. Do you recall after the explosion
4 took place if you observed any cans of reducer
5 or acetone that you saw in the lazarette?
6 A. Yes, they were still present. I
7 took pictures of them, I believe. You might
8 have these.
9 Q. As far as you know were all of the
10 cans still intact?
11 A. As far as I can tell, yes.
12 Q. Was there any evidence that you saw
13 or, either before the explosion or after the
14 explosion that any of those cans had been
15 spilled?
16 A. They were both on their side after
17 the explosion. Whether they tipped before or
18 after, I cannot say.
19 Q. Do you know, was there still liquid
20 in them after the explosion?
21 A. Yes.
22 Q. Do you know if anybody checked to
23 see how much was in them or --
24 A. No.
25 Q. Do you have photos that you took

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1 after the explosion?
2 A. Yes.
3 Q. Does Mr. Kallen have them?
4 MR. KALLEN: I have them.
5 THE WITNESS: I do not have them.
6 He has them.
7 BY MR. FAMULARI:
8 Q. Okay, thank you.
9 MR. VALDES: Can we see them.
10 MR. KALLEN: Yes.
11 MR. VALDES: Now?
12 MR. KALLEN: Sure.
13 BY MR. FAMULARI:
14 Q. Were you involved in any of the --
15 MR. KALLEN: Nothing that you
16 haven't seen before, Manny.
17 THE WITNESS: It looks a lot like
18 these.
19 MR. VALDES: I would like to see
20 them, though.
21 BY MR. FAMULARI:
22 Q. Were you involved in the plans to
23 rebuild that deck in the lazarette for use of,
24 lack of a better word?
25 MR. KALLEN: Let me object to the

1 form. That --
 2 MR. FAMULARI: That is not a good
 3 word to use.
 4 MR. KALLEN: Not a good question.
 5 BY MR. FAMULARI:
 6 Q. Were you involved in -- Let me ask
 7 you this.
 8 Do you know who made the plans or
 9 the decisions on how to put the deck back in the
 10 lazarette after the explosion?
 11 A. After the explosion?
 12 Q. Yes?
 13 A. Yes, I did.
 14 Q. You were involved in that?
 15 A. Yes, I was.
 16 Q. Who else did you discuss that with?
 17 A. I would discuss it with Bradford,
 18 whoever was doing the work. However they needed
 19 to do it to get to it what I needed.
 20 Q. Okay, and what was it that you
 21 needed?
 22 A. Well, the plan was obviously when
 23 we put it back together to put all of new
 24 framing in there above the cement and then I was
 25 the one that requested them to use thicker

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1 aluminum that is screwed in, removable like what
 2 you see now.
 3 Q. Was there any discussion at that
 4 time about taking the cement out of the vessel?
 5 A. We consulted Tom Fexas Yacht
 6 Design, the designer of the yacht, and they
 7 suggested, no, that is the reason that it was
 8 there in the first place, the boat needed it
 9 because of adding additional displacement by
 10 putting the cockpit on the back there.
 11 Q. Was there any other ballast at all
 12 on the vessel besides in the cockpit extension?
 13 A. No.
 14 Q. Have you ever worked on any other
 15 aluminum vessels that had cement for ballast, if
 16 you know?
 17 A. No.
 18 Q. Okay.
 19 A. No, not to my knowledge, at least.
 20 Q. Have you ever worked on any other
 21 aluminum vessels that had ballast in them, to
 22 your knowledge, other than fuel or water?
 23 A. No.
 24 Q. Have you ever worked on any other
 25 vessels that had a compartment like what was

1 underneath the deck of the lazarette here that
 2 was completely sealed up?
 3 MR. KALLEN: Let me object to the
 4 form. I am not sure that I understand that
 5 question. I need to understand it.
 6 BY MR. FAMULARI:
 7 Q. Okay, have you ever --
 8 MR. VALDES: Just for the record,
 9 when he objects, unless he instructs you not
 10 to answer, you have to answer the question.
 11 MR. KALLEN: Yes. Well, I'm
 12 instructing him not to answer that question
 13 because unless I understand it.
 14 MR. VALDES: You don't have a basis
 15 to instruct this witness not answer a
 16 question.
 17 MR. KALLEN: Do you understand that
 18 question?
 19 THE WITNESS: I believe I do.
 20 MR. KALLEN: You believe or do you
 21 know?
 22 THE WITNESS: I don't know, but --
 23 MR. KALLEN: Okay.
 24 THE WITNESS: I do't know, but if
 25 you try again --

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1 BY MR. FAMULARI:
 2 Q. I want to get the information
 3 straight so we don't have any confusion.
 4 Have you ever been on any other
 5 vessels that have had a compartment like was in
 6 the lazarette of this where we had a deck and a
 7 space underneath and it was completely sealed
 8 with no vents, no --
 9 A. No, I have never worked on a boat
 10 that had a cockpit extension before.
 11 Q. But the cockpit extension -- Okay,
 12 but that wasn't the question.
 13 Is it your understanding that the
 14 floor of that lazarette area where it was welded
 15 down was at least watertight from -- Strike
 16 that.
 17 Was it your understanding that the
 18 -- was it your understanding that the area
 19 below the lazarette deck here was watertight?
 20 A. No. I would say -- You can look at
 21 it and tell that it wasn't watertight.
 22 Q. Why do you say that?
 23 A. You could see, you can see in the
 24 pictures that this, it's tack welded around the
 25 edge and there was like a little crack running

1 around.
2 Q. This was before or after the
3 explosion?
4 A. Before.
5 Q. Okay, so is it your testimony that
6 the, that deck was not solid welded all along
7 the --
8 A. That is correct. You can see
9 where --
10 Q. Can you see --
11 A. You see, that was a weld that
12 ripped lose there and that was a weld that
13 ripped lose there.
14 I mean, any of these things here.
15 This, you know, this was all -- this is how this
16 looked along here. This is after it blew up.
17 Q. After it blew up?
18 A. There was tack welds right along
19 the frame. You could obviously see. When you
20 stood on it you could tell that it wasn't made
21 to be anything structural, it was just adding a
22 subfloor to the cockpit basically there.
23 Q. Well, if it is -- Let's say
24 hypothetically that it was not solid welded
25 along those edges along the forward and aft

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1 bulkhead and the port and starboard bulkheads.
2 Do you know if any water ever got
3 in underneath there?
4 A. I wouldn't know.
5 Q. During the time that you had the
6 boat did you ever see any evidence that there
7 was water getting under there?
8 A. Not under there. No, I wouldn't be
9 able to tell that.
10 Q. After the explosion when that deck
11 was taken up did you see any evidence that there
12 was water getting in there?
13 A. Well, there was two feet of water
14 in the back of there when we blew out the
15 through hull and we were sinking at the time
16 that this was going on also.
17 Q. That answers that question.
18 A. I am the one that jumped down and
19 found the through hull and pounded a wooden plug
20 into the hole.
21 We had to bring a gasoline pump in
22 from Bradford to suck the water out because we
23 had no batteries on board to run our own bilge
24 pumps.
25 Q. This is prior to the explosion,

1 when you would walk around in that, on that
2 lazarette floor would the aluminum --
3 A. Basically like crinkled.
4 Q. Crinkled?
5 A. Yes, it was like walking around on
6 like a pop can or something like that. You
7 could tell it was very thin and you could tell
8 it wasn't solid and it echoed when you jumped on
9 it.
10 Q. Prior to the explosion based upon
11 what you have, what you just said about the echo
12 and the, it would crinkle when you would walk,
13 did you have any opinion on whether there was a
14 void space under there at all prior to the
15 explosion?
16 A. I had no opinion other than you
17 could tell that it wasn't solid when you stepped
18 on it. So there was --
19 Q. Since the explosion in July of 1997
20 do you have any knowledge or opinions on what
21 exploded under there?
22 A. No.
23 Q. From your observations of what the
24 deck looked like after the explosion was it your
25 opinion that the explosion took place under that

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1 plate?
2 A. Oh, yes, you blew the whole -- you
3 can see in all of the pictures where it blew
4 up. The whole thing came up towards the cockpit
5 floor and you can see in some of these pictures,
6 if these pumps, this pump right here was sitting
7 underneath the main support beam for the aft
8 deck, that is what kept the whole floor from
9 coming up and -- That is it.
10 These things, that right there. It
11 bent a four inch I-beam, you can see where it
12 cracked it loose from here. This is the main
13 support beam for the aft deck and it shoved it
14 up about four inches.
15 MR. KALLEN: Referring to a
16 photograph which is now marked as Exhibit
17 25.
18 MR. VALDES: 25.
19 (Thereupon, the above-mentioned
20 photograph was marked as Plaintiff's Exhibit No.
21 25 for identification this date.)
22 MR. VALDES: Can we take a break a
23 second and you can get me those pictures?
24 MR. FAMULARI: Yes, I may not have
25 too much more to ask. If you want to take a

1 Q. And did you fill this out? Is this
2 in your handwriting up top?
3 A. Yes, it is.
4 Q. And is all of the writing, the
5 handwriting and the signature your writing on
6 this document, Exhibit 29?
7 A. Well, other than 2847 on the top
8 and Exhibit A on the bottom I would say yes, it
9 is. It's my handwriting.
10 Q. Before this explosion did you have
11 the opportunity to observe Henry Naranjo
12 working?
13 A. Yes.
14 Q. How would you characterize the
15 quality of his work?
16 A. Well, I stated that earlier, that I
17 asked for him to work on my vessel if at all
18 possible because he did fine work and he was
19 always there. You know, some of them didn't
20 always show up everyday, and Henry was there
21 ever day and he was always cheerful and always
22 liked to do his job and when it was done he
23 asked for another one.
24 Q. Did you ever have any problems with
25 Henry before the explosion?

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1 A. I never had any problems with Henry
2 before the explosion.
3 Q. Did he always do what you asked him
4 to do?
5 A. He would always do what Tony
6 instructed him to do above and beyond what I
7 expected out of him, yes.
8 Q. Did you have any trouble
9 communicating with him?
10 A. No.
11 Q. You understood him and he
12 understood you?
13 A. As far as I know I could understand
14 him and I believe that he understood me.
15 Q. Okay, do you speak any Spanish?
16 A. I do not, no.
17 Q. Do you remember what was the extent
18 of your conversation with him the day of the
19 explosion?
20 A. Not word for word, no. I would
21 imagine it was something to do with these guys
22 need that plate down there, make it happen.
23 Q. Do you remember what he asked you?
24 A. All he ever asked me about were the
25 two tanks on each side and I said they were

1 water tanks.
2 Q. Did he ask you what was underneath
3 the deck?
4 A. Well, I told him there was cement
5 underneath there because I knew that they had
6 poured cement in there. I didn't know how big a
7 gap there was in there.
8 Q. Okay, and the responses that you
9 are giving me to my questions, these are
10 generalizations? You don't remember the exact
11 context, the exact words that were used?
12 A. Four years ago almost now.
13 Q. Correct?
14 A. Correct. No, I don't. I just --
15 Q. You are just giving me the gist of
16 what was said; is that correct?
17 A. Correct.
18 MR. VALDES: That is all that I
19 have.
20 MR. FAMULARI: Mr. Weber might have
21 some questions.
22 MR. VALDES: Do you have any
23 questions?
24 MR. WEBER: Yes, I do.
25 MR. VALDES: Go ahead.

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1 CROSS-EXAMINATION
2 BY MR. WEBER:
3 Q. Captain, my name is David Weber and
4 I represent Palmer Johnson. Do you understand
5 that?
6 A. Well, I understand. I don't
7 understand why you have to be here, but --
8 Q. Okay, the record will reflect that
9 I am up here in Wisconsin and you are down there
10 in Florida and we are conducting -- at least I
11 am asking these questions over the telephone and
12 if you don't understand any questions that I ask
13 of you or for some reason my questions don't
14 come over the phone properly, please let me
15 know; all right?
16 A. Okay.
17 Q. Do I understand, sir, that you were
18 on vacation for several days prior to the
19 explosion occurring?
20 A. Yes, I was.
21 Q. And that you returned the day
22 before the explosion?
23 A. Yes.
24 Q. And you believe the explosion
25 occurred on a Monday; is that correct?

1 A. I would believe so. I can't
2 remember. I believe my vacation was from
3 Saturday to Sunday. So I believe I was, it was
4 a Sunday. July -- I returned on July the 6th
5 whatever, day that was. And the next day was a
6 workday.

7 Q. And where would you stay while this
8 boat was being worked on at Bradford Marine?

9 A. Well, I was staying at Marina Bay
10 which is a place just down the road from
11 Bradford while it was out of the water and when
12 I returned from my vacation the boat was back in
13 the water and I planned to stay in the crew's
14 quarters on board the vessel because it was in
15 the water and we had no battery power for bilge
16 pumps, so I was the only person on board to keep
17 us afloat, so to speak.

18 Q. Did you stay on board the vessel
19 the night of July the 6th?

20 A. Yes, I did.

21 Q. And the next day, July the 7th, do
22 you know what time you got up in the morning?

23 A. I would have been up six-thirty
24 seven o'clock, just like always. Boat yard
25 starts at seven, seven-thirty.

1 to? No.

2 Q. I am talking about the first people
3 that you talked to during that day?

4 A. I can't remember exactly who it
5 would have been.

6 Q. I am trying to get some gist of, as
7 the how that day proceeded. Do you know what
8 were you attending to on July the 7th of 1997?

9 A. I was attending to a total refit of
10 an 82 foot Palmer Johnson.

11 Q. I understand that, but what jobs
12 were you --

13 A. We had just replaced the engine and
14 generators. We did the whole top deck,
15 hydraulic arch, replaced all of the windows and
16 we were in the middle of a full paint job from
17 top to bottom.

18 I can't exactly tell you which
19 crisis I was dealing with at that moment, no.

20 Q. All right, so you have no
21 recollection any more as to what was foremost on
22 your mind on the morning of July the 7th of
23 1997?

24 A. Getting out of Florida while I
25 still could was pretty much what I wanted to

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1 Q. And you anticipated my next
2 question. Do you remember when work began on
3 July the 7th?

4 A. I believe work at Bradford starts
5 at seven-thirty in the morning and quits at four
6 in the afternoon.

7 Q. And was it your plan to stay aboard
8 the vessel the entire day?

9 A. Well, I am there during work hours
10 everyday, yes.

11 Q. I am specifically speaking about
12 July the 7th of 1997 now.

13 Did you in fact stay on the vessel
14 until the time of the explosion?

15 A. I was on board at the time of the
16 explosion. I can't tell you if I was there the
17 entire day prior to that because I did have to
18 run errands just back in town, get things set up
19 for the rest of the week.

20 Q. All right, so you do remember
21 running some errands on July the 7th of 1997?

22 A. Yes, I do.

23 Q. Do you remember the first people
24 that you talked to on July the 7th of 1997?

25 A. The first people that I talked

1 do. It was hot, very hot.

2 Q. Do I understand that this Bruce
3 Adkinson worked for another company?

4 A. I believe he was the owner of the
5 company that he worked for.

6 Q. Tell me again what the name of that
7 company was?

8 A. I can't exactly. It was a weird --
9 It was like Kewanee or something like that.

10 Q. And they were in the business of
11 what?

12 A. He is a hydraulics -- he does a lot
13 of hydraulics or he did a lot of hydraulic work
14 in Bradford during that time.

15 Q. And do I understand that Mr.
16 Adkinson was on board the vessel on July the 7th
17 of 1997?

18 A. I am not sure if he was there, but
19 I know his personnel was working for him, Brian
20 Mink was on board that day.

21 Q. Do you know what Brian's job was at
22 this particular company?

23 A. He was doing installation work of
24 hydraulic systems.

25 Q. Were there any other employees of

1 this particular company on board, to your
2 knowledge?

3 A. No.

4 Q. And had Mr. Smith hired this
5 company, that is Bruce Adkinson's company?

6 A. Well, he is a subcontractor. He
7 would have gone through Bradford Marine, I
8 believe.

9 Q. Okay. So you believe that Bruce
10 Adkinson's company, whatever its name is,
11 Kewance something or other --

12 A. Correct.

13 Q. Were a subcontractor of Bradford
14 Marine?

15 A. Yes.

16 Q. And do you know who at Bradford
17 Marine hired this particular company?

18 A. Well, now, that I don't know that
19 one. Most of the time you could hire your
20 subcontractors and then Bradford would tack on
21 their percentage to the bill.

22 So I would say that I hired Bruce
23 Adkinson myself and then they have, Bradford has
24 their own setup of how they deal with outside
25 contractors.

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1 Q. All right, so it is your best
2 recollection sitting here today that you
3 probably hired Bruce Adkinson?

4 A. Correct.

5 Q. Why was it necessary for you to
6 hire Bruce Adkinson?

7 A. Well, he came highly recommended as
8 a hydraulics man.

9 Q. I know, but forgive me, I am just
10 trying to understand this process. You have a
11 total refit, a major refit going on with this
12 particular boat.

13 At some point in time did it become
14 apparent to you or did somebody tell you from
15 Bradford that they wouldn't be able to handle
16 that themselves? By that I mean the hydraulic,
17 installing the hydraulic pump?

18 A. At the time in 1997 Bradford did
19 not have hydraulics people that seemed to be
20 doing what we needed done.

21 Q. All right, do you remember the
22 discussions leading up to the decision to hire
23 somebody from the outside, as it were?

24 A. Not particularly. I can't remember
25 the, any discussions. All I know is that it

1 was suggested that he was in the yard, did a lot
2 of work in Bradford at that time and he came
3 over and looked at the job and I believe that
4 they had Bradford's guys look at the job and
5 there was also a time factor involved in --
6 Bradford is a little bit slower than most
7 outside contractors and we decided to go with
8 Mr. Adkinson.

9 Q. All right, and --

10 A. Or Adkins.

11 Q. And you hired -- is this Adkinson
12 or Adkins?

13 A. I believe it's Adkins.

14 Q. So you decided to hire Bruce
15 Adkins; is that correct?

16 A. Correct.

17 Q. And that was your decision?

18 A. Yes.

19 Q. And do I understand that you had to
20 give some sort of consideration or compensation
21 to Bradford to do that?

22 A. On -- I can't remember on this
23 particular job, but in most of their -- You have
24 a guard at the gate and to get in through the
25 gate you have to talk to George at the front

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1 gate and you have to have insurance papers on
2 file with them stating that you are capable, a
3 capable bonded and all of that other stuff in
4 South Florida to perform the work and then at
5 which time that is on file with Bradford and
6 then they generally ask for your bill and then
7 they tack your fifteen or twenty percent on to
8 the bill.

9 That is standard operating
10 procedure. I can't tell you if it happened in
11 this particular incident or not.

12 Q. What was your understanding as to
13 how long Bruce Adkins or his company would take
14 to complete the job that they had to do?

15 A. I would say -- I can't remember him
16 telling me exactly. All I know is these pumps
17 were back ordered for quite a while before they
18 got there.

19 Q. And they were there on the day of
20 the accident, correct?

21 A. They were there. They were the
22 only thing that probably saved Henry. If you
23 have seen these pictures you can see what
24 happened. I don't know if you have seen these
25 pictures or not.

1 Q. Yes, I have seen them.
2 A. Well, the pumps were right
3 underneath the main support beam for the aft
4 deck and that is what kept the whole floor from
5 lifting up.

6 Q. I understand that. How long had
7 the pumps been there before the day of the
8 accident?

9 A. They got there that day.

10 Q. Do you know what time?

11 A. They would have came at probably
12 eight o'clock in the morning. Brian brought
13 them with him. They arrived.

14 I received information that they
15 had finally showed up and Brian was on his way
16 over with them.

17 Q. And I take it that somebody brought
18 them down into the lazarette area?

19 A. Yeah, somebody had to. I don't
20 know who carried the pumps in. I would imagine
21 Brian or one of those guys, Bruce.

22 Q. Well, do you know if Bruce was
23 there on the day of the accident?

24 A. Like I said, I did not know if he
25 was there or not.

1 what are we going to do now.

2 Q. How many holes had they drilled?

3 A. I am guessing about four in the
4 same pattern as the holes would have been for
5 the pump.

6 Q. And how big were those holes in
7 diameter?

8 A. I did not drill the holes. I don't
9 know what size he used for a starter bit. I
10 doubt if -- I don't know the exact size of the
11 hole.

12 Q. All right, but can you tell me,
13 sir, whether you observed four holes in the
14 aluminum deck?

15 A. To the best of my recollection I
16 would say I saw holes there, yes.

17 Q. And that, you saw four holes there?

18 A. I saw holes that they had started
19 to drill into the floor.

20 Q. All right. When you say that they
21 had started to drill into the floor, did they
22 penetrate the aluminum deck?

23 A. Yes. That is how they figured out
24 it was too thin to tap. That is when they had
25 to make the plate.

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1 Q. All right. Now, do you remember
2 having discussions with Brian Mink on the day of
3 the accident prior to the accident?

4 A. Yes.

5 Q. Tell me about those discussions.
6 What discussions did you have?

7 MR. KALLEN: Just answer the
8 question.

9 THE WITNESS: He is the one that
10 drilled the holes into the plate and said
11 that there wasn't enough meat in the plate
12 to tap into, for tapping into the plate. So
13 that is --

14 BY MR. WEBER:

15 Q. Where were you when that discussion
16 took place?

17 A. Probably we were back there looking
18 in the cockpit.

19 Q. Had you been down in the lazarette
20 area yourself on that, on the day of the
21 accident?

22 A. I am sure that I went in and looked
23 at it when they drilled the holes and they told
24 me it wasn't thick enough, so I probably went
25 and looked at it and said, yeah, you're right,

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1 Q. I understand that. But my question
2 to you, sir, did you observe the holes yourself?

3 A. I believe -- Yes.

4 Q. And you observed the holes
5 penetrate or go through the aluminum deck; is
6 that correct?

7 A. Yes.

8 Q. In other words, they entered the
9 void space between the bottom of the aluminum
10 and the top of the cement?

11 A. Yes.

12 Q. But I understand that you can't
13 tell me today how big in diameter those holes
14 were?

15 A. That is correct.

16 Q. And do you have any basis to tell
17 me as to who drilled those holes?

18 A. Brian Mink drilled the holes.

19 Q. Now, can you tell me what time of
20 the day it was when you had this discussion with
21 Brian Mink about the, about not having enough
22 meat to hold the pumps?

23 A. That would have been obviously
24 probably sometime mid-morning because they had
25 enough time to fabricate the plate and it was

1 being welded down at three o'clock in the
2 afternoon when the accident took place.
3 Q. Right. Let me back up that
4 conversation, though. Was anybody else privy to
5 that conversation? In other words, did anybody
6 else take part in that conversation?

7 A. Well, I am sure that we had Tony
8 Watson there because he would have had to decide
9 that we could go ahead and do what we were
10 talking about doing.

11 Whether or not Henry was there at
12 the time of the discussion I do not know.

13 Q. Okay, so you think that Tony Watson
14 was there as well?

15 A. He would had to have been present
16 for part of it because he is the one that had to
17 authorize the job.

18 Q. Well, I don't want you to assume
19 anything. What I really want to know is did
20 you and Brian Mink have a conversation about
21 this and then did you approach Tony Watson
22 yourself or was Tony Watson there when Brian
23 Mink was telling you about this?

24 MR. VALDES: Object to the form.

25 BY MR. VALDES:

1 is what we need to do and he would make it
2 happen. That is how we did things.
3 Q. And is it -- to the extent that you
4 know did Tony communicate that to Henry or did
5 you communicate it to Henry? How did that
6 happen?

7 MR. VALDES: Objection, hearsay.

8 BY MR. WEBER:

9 Q. You can answer, sir?

10 A. I can't tell you exactly how it
11 went, but everybody had to be told one way or
12 the other, like I told you before.

13 Q. Let me ask you a general question,
14 okay. Were there times, Captain, where you
15 approached a welder or an painter or another
16 worker, a laborer at the yard at Bradford and
17 requested that they do something?

18 MR. VALDES: Object to the form.

19 THE WITNESS: I would have to -- I
20 would have said, hey, we need to get this
21 done and they would always have to go and
22 get their foreman and bring him back and
23 say, can we do this because they had a work
24 order for every job. And that is how they
25 would charge money for it.

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1 Q. Do you understand my question?

2 A. I understand -- Not really.
3 Everybody would have been there on this to
4 figure out how they were going to do it
5 together.

6 Q. Okay. Is it safe for me to assume,
7 though, at some point you had a discussion with
8 Tony Watson about fabricating two metal plates?

9 A. That was one metal plate and, yes,
10 we would have had that discussion.

11 Q. There was only one metal plate?

12 A. Yes, two pumps went on one metal
13 plate.

14 Q. All right, and tell me when did
15 that discussion take place?

16 A. That would have taken place in the
17 morning after Brian had come there with the
18 pumps and tried to drill the holes and found out
19 that he couldn't tap it.

20 Q. What did you say to Tony Watson?
21 What did you talk about?

22 A. I said, Tony, hey, we need to do
23 something here. I don't know. Tony was a very,
24 was a very take care of business. You just tell
25 him what needed to be done and he would say this

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1 BY MR. WEBER:

2 Q. So there were times when you would
3 approach a laborer and ask him to do a
4 particular task, is that true?

5 A. I would request that he gets the
6 authorization to do it, yes. It was a lot
7 easier for me to talk to a guy on the boat and
8 let him go talk to his boss than me go run
9 around and try to track down his boss because I
10 was dealing with twenty people at a time.

11 Q. Okay, so it is a simple question.
12 There were times when you would approach
13 laborers about doing specific tasks, is that
14 true?

15 A. Yes.

16 Q. And then they would go and get
17 their foreman, is that true?

18 A. Yes.

19 Q. And to your knowledge did that
20 always happen, did they always go get their
21 foreman?

22 A. I would say yes.

23 Q. Okay. And in this case do you know
24 if you approached Henry Naranjo and he went and
25 got Tony Watson?

1 MR. KALLEN: What is the question,
2 do you know if he did?
3 MR. VALDES: I object to the form
4 of the question.
5 MR. KALLEN: I didn't hear you
6 correctly.
7 BY MR. WEBER:
8 Q. Let me try it again. In this case
9 when you wanted this metal plate fabricated did
10 you approach Henry Naranjo and then did Henry
11 Naranjo go get Tony Watson?
12 A. That is usually how it happened,
13 yes. This particular incident I can't say yes
14 or no to.
15 Q. All right. You do recall having a
16 discussion with Henry Naranjo, however?
17 A. Yes.
18 Q. All right, and can you tell me how
19 long that discussion lasted?
20 A. No, I can't. They were usually
21 very short.
22 Q. Can you tell me when during the day
23 it took place?
24 A. Like I said, it probably was
25 mid-morning just prior to lunch because they had

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1 enough time to fabricate this new plate, drill
2 it all out, tap it and he was getting ready to
3 weld it down at three something in the afternoon
4 when the incident took place.
5 Q. Can you tell me where you were when
6 you had the conversation?
7 A. No, I cannot.
8 Q. Did Henry Naranjo ever ask you to
9 see any plans of the boat?
10 A. No.
11 Q. He did ask you about a couple of
12 fuel tanks?
13 A. They were water tanks. He did ask
14 about tanks and I said they were water tanks.
15 Q. You knew that there was a void
16 space between the bottom of the aluminum deck in
17 the lazarette and the top of the cement,
18 correct?
19 A. I could only guess that there was
20 because when you jumped down on top of the
21 aluminum deck it echoed and you could tell it
22 was not a solid floor.
23 Q. And you knew that as of July the
24 7th of 1997?
25 A. Yes.

1 Q. It was obvious to you, wasn't it?
2 A. I think it would have been obvious
3 to anybody that jumped down on there.
4 Q. Can you tell me, sir, had Henry
5 Naranjo by your observation, had he been in the
6 lazarette area prior to July the 7th of 1997?
7 A. Prior to? I couldn't say. He had
8 been all over the entire boat, top to bottom.
9 Q. Well, and that is my question. Do
10 you know, did you observe him in the lazarette
11 area prior to July the 7th of 1997?
12 MR. VALDES: Objection, asked and
13 answered.
14 MR. KALLEN: Go ahead.
15 THE WITNESS: No, I can't say
16 whether he was in there or in the lazarette
17 itself.
18 I know that he was in the cockpit
19 many a days before that because he put all
20 of my hawse eyes in the cockpit.
21 BY MR. WEBER:
22 Q. When you said that this was
23 supposed to be a ten minute job, what did you
24 mean by that?
25 A. I meant in the scope of what was

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1 going on board this vessel, welding this little
2 plate down seemed like it was no big job for
3 anybody, just wan-bam, get it in there so the
4 hydraulics guys could catch up to what we were
5 with the rest of the project.
6 Q. Are you referring to the actual
7 welding of the plate to the deck or actual
8 fabrication of the plate itself or both?
9 A. The whole thing. I mean, it took a
10 half inch piece of aluminum, cut it to fit the
11 size of the bottom of the pumps and they made a
12 template, they drilled the holes, they tapped it
13 and he was in the process of welding it down
14 when all of this happened.
15 And no one could ever have foreseen
16 what this had become at that time.
17 Q. Well, I think the testimony from
18 Mr. Naranjo is that it took him at least several
19 hours to fabricate this plate.
20 Do you have an opinion as to why it
21 took him that long?
22 MR. KALLEN: Object to the form.
23 Do you know why?
24 MR. VALDES: Join.
25 THE WITNESS: I don't know why, but

1 like I said, he still had to fabricate it.
 2 He still had to cut it. He had to round the
 3 edges, he had to drill the holes to the
 4 proper location to fit the pumps. He had
 5 to, he had to tap the holes out and fit it
 6 into the space where that needed to go.
 7 BY MR. WEBER:
 8 Q. Let me talk about the space where
 9 it needed to go. Are you with me?
 10 A. I am with you.
 11 Q. Where was that in relationship to
 12 the holes that existed in the aluminum deck?
 13 A. We were putting it right in the
 14 exact location.
 15 Q. Explain that to me?
 16 A. Where they laid the pumps out there
 17 earlier in the morning, circled the little spots
 18 on the deck where they wanted to bolt the pumps
 19 to.
 20 They drilled those, the pilot
 21 holes. They moved the pump out of the way so
 22 they could drill bigger holes. That is what
 23 they were going to do so they could tap the
 24 plate that was on the floor and when that
 25 couldn't happen that is when we went onward.

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1 Q. Were there four holes in the base
 2 of the pumps for --
 3 A. Yes.
 4 Q. -- For bolts?
 5 A. Yes, there was a bolt in every
 6 corner of the pump, so there would be have been
 7 eight holes altogether.
 8 Q. Eight holes altogether?
 9 A. In the plate. I don't know how
 10 many were drilled on the floor. I don't think
 11 that they were totally finished drilling because
 12 they realized that it wasn't going to work, so
 13 they went to plan B.
 14 Q. You did not observe this explosion
 15 occur, is that correct?
 16 A. I did not observe it. I felt it.
 17 I heard it.
 18 Q. Earlier you said that there
 19 probably was water in that void space between
 20 the cement and the aluminum deck?
 21 A. I never said that.
 22 Q. Okay. I thought that I heard you
 23 say that. Do you have, do you know one way or
 24 the other if there was ever water in there?
 25 A. I have no idea. There was no way

1 to tell. It was welded down.
 2 Q. Mr. Valdes asked you some questions
 3 about your conversation with Henry Naranjo and
 4 he asked you if you remember only the, member
 5 only the gist of the conversation. Do you
 6 recall that?
 7 A. Yes.
 8 Q. Okay, I want to ask you directly,
 9 did you tell Mr. Naranjo that this, that the
 10 cement went flush to the top of the aluminum
 11 deck?
 12 A. I would have never told him it went
 13 flush to it. I told him that there was cement
 14 down under the floor. I didn't know how much,
 15 how far it was from the bottom of the floor.
 16 But when you jumped down into the
 17 hole you could hear it echo, so you knew it
 18 wasn't solid.
 19 Q. And you did observe holes in that
 20 deck, is that correct?
 21 A. To the best of my knowledge I did
 22 see holes when they came and told me that it
 23 wasn't enough meat to tap into.
 24 Q. Those were observable without any
 25 type of magnification?

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1 A. That would be correct.
 2 Q. So if you knelt down in that area,
 3 as an example, you could see the holes?
 4 A. Pardon me?
 5 Q. If you knelt down --
 6 A. Oh, yes.
 7 Q. -- In the area --
 8 A. Yes.
 9 Q. -- You could see the holes?
 10 A. Yes.
 11 Q. If you stood in the lazarette you
 12 could see the holes?
 13 MR. VALDES: You can't stand in the
 14 lazarette.
 15 THE WITNESS: You can't stand.
 16 There it's only about two and a half feet
 17 high back there.
 18 BY MR. WEBER:
 19 Q. Okay, I guess I meant -- I meant,
 20 you couldn't even be crouched down and be in
 21 there?
 22 A. That is how you had to get in
 23 there, on your hands and knees. You had to
 24 crawl back into this location.
 25 Q. All right, but if you did that you

1 certainly would be able to see these holes; is
 2 that correct?
 3 A. Yes.
 4 Q. You said earlier that you wanted
 5 thicker aluminum when you went to replace the
 6 aluminum deck?
 7 A. Yes.
 8 Q. How come?
 9 A. Well, for one thing, I made it in
 10 plates, in sections. So there was like I
 11 believe six pieces so it could all be, it was
 12 all drilled and tapped and removable so in the
 13 future you could get underneath there to the
 14 cement if you ever needed to.
 15 MR. KALLEN: Wait, are we talking
 16 about --
 17 THE WITNESS: We are talking post
 18 explosion when I put it back together after
 19 it was blown to bits. I had no reason to
 20 mess with this aluminum plate prior to it
 21 exploding.
 22 BY MR. WEBER:
 23 Q. And that is what I am asking about,
 24 I am talking about after the explosion when the
 25 aluminum deck was replaced?

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1 A. Yes.
 2 Q. I understand that you wanted plates
 3 rather than one uniform sheet. But you also
 4 stated that you wanted a thicker aluminum there?
 5 A. Correct.
 6 Q. How come?
 7 A. So it wasn't like walking on a pop
 8 can when you were down there. I mean, we stored
 9 a two hundred pound anchor down there, one
 10 hundred amp power cords which weigh around one
 11 hundred pounds and it just gave you support.
 12 Q. You felt that there was somewhat or
 13 that support was somewhat lacking before this
 14 explosion?
 15 A. Yes.
 16 Q. In other words, the floor would
 17 crinkle, as you stated earlier?
 18 A. Correct.
 19 Q. You didn't want that to occur?
 20 A. Correct.
 21 Q. Did Henry Naranjo ask you if there
 22 was any void space underneath this aluminum
 23 deck?
 24 A. I don't know if he stated it as a
 25 direct question to me. I would have told him,

1 though, that there was cement there and you
 2 could tell that there was a void area in there
 3 as I have covered before, that it wasn't a solid
 4 sound when you got down in there. And they
 5 would have known that there was a void there
 6 after they drilled the holes there anyway
 7 because when they went through the aluminum it
 8 didn't go into the cement.
 9 Q. That is all that I have. Thank you
 10 very much.
 11 MR. VALDES: I've got some quick
 12 follow-ups.
 13 REDIRECT EXAMINATION
 14 BY MR. VALDES:
 15 Q. Captain, you don't know if Henry
 16 drilled into the aluminum prior to the
 17 explosion, correct?
 18 A. Brian Mink would have been the one
 19 that drilled the holes.
 20 Q. Sitting here today you don't know
 21 one way or the other if Henry drilled into the
 22 aluminum?
 23 A. No, I do not.
 24 Q. How tall are you, sir?
 25 A. I am six-four.

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1 Q. How much do you weigh?
 2 A. 220.
 3 Q. Did you weigh 220 back then when
 4 the explosion?
 5 A. I have relatively been the same for
 6 many years.
 7 Q. And you indicated that when you
 8 jumped down into the lazarette that you could
 9 feel that the floor would reverberate?
 10 A. Yes.
 11 Q. But you would have to jump down
 12 into it, correct?
 13 A. When you walked on it, when you
 14 were down in those hatches. Anytime that you
 15 went down in, whether you were crawling on it or
 16 walking on it you could feel it give a little.
 17 Q. That would be you, you could
 18 actually feel it?
 19 A. I could, yes.
 20 Q. Prior to this explosion occurring
 21 did you ever offer Henry Naranjo or Tony Watson
 22 the blueprints?
 23 A. They were well aware that they were
 24 on the boat the whole time.
 25 Q. That is not my question.

1 MR. KALLEN: Let him finish his
2 answer and then you can follow up.
3 BY MR. VALDES:
4 Q. Yes, I move to strike.
5 MR. KALLEN: Okay, objection.
6 THE WITNESS: Where do I go now?
7 MR. KALLEN: Just finish your
8 answer.
9 THE WITNESS: Yes, they were
10 available on the boat all the time. They
11 knew it, that they were there.
12 BY MR. VALDES:
13 Q. I would move to strike. My
14 question to you is prior to the explosion did
15 you offer Henry or Tony Watson the plans or the
16 survey that we have talked about?
17 A. They had all of this. We were
18 working off of this thing, off the
19 recommendations on the back. We were trying to
20 knock out as many as possible.
21 So, yes, they had seen those.
22 Torch would have had a copy of this the whole
23 time.
24 Q. I would move to strike again as
25 non-responsive. Sir, my question to you is,

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1 did you offer Tony Watson or Henry Naranjo the
2 blueprint that we have marked as Exhibit 27?
3 A. Okay, I got you now.
4 Q. Or the survey report, Exhibit 28?
5 Did you offer those two documents to them prior
6 to the explosion?
7 MR. KALLEN: Object to the form.
8 THE WITNESS: I did not offer and
9 they did not ask.
10 BY MR. VALDES:
11 Q. Okay.
12 A. If they would have asked, they
13 would have been there.
14 Q. But you didn't volunteer the
15 information either?
16 A. No.
17 Q. Didn't occur to you, did it?
18 A. No.
19 Q. Getting back to the conversation
20 that you had with Mink, you don't know for sure
21 if Watson was present when Mink came to you and
22 told you this, listen, I have drilled the holes,
23 the skin is too thin, we need some doublers?
24 A. I am almost positive that Tony
25 Watson and Brian Mink and myself would have been

1 present during this conversation.
2 Q. But I am asking are you sure?
3 A. I am not sure.
4 Q. Do you have any experience welding?
5 A. No.
6 Q. Did you learn welding in the Navy?
7 A. No.
8 Q. When you testified earlier that you
9 would talk to Henry, did you ever like have to
10 indicate with your hands something that you
11 wanted done with Henry?
12 A. No. I always felt that he
13 understood what we were talking about.
14 Q. You never had to point anything out
15 or point with your hands, I want this done this
16 way, anything like that?
17 A. Not to the best of my recollection.
18 Q. You don't recall right now?
19 A. No.
20 Q. There could have been an instance
21 where you used your hands to convey an idea to
22 Henry that you wanted done?
23 A. I suppose it's possible, yes.
24 Q. Or conveying an idea as to what
25 something is? Same answer?

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1 A. Yes. It is possible. As you see,
2 I am not in the habit of talking with my hands.
3 Q. Well, if somebody said that you did
4 it that way you wouldn't contradict them, right?
5 MR. KALLEN: Objection to the form.
6 MR. KALLEN: Right.
7 BY MR. VALDES:
8 Q. Do you have a cell phone number?
9 A. Yes, I do.
10 Q. What is it?
11 A. 604-786-5807.
12 Q. And do you have a local phone
13 number?
14 A. No, I live in Vancouver.
15 Q. When are we set for trial?
16 MR. WEBER: November.
17 BY MR. VALDES:
18 Q. Where are you going to be in
19 November this year?
20 A. Hopefully I should be back here by
21 November.
22 Q. Is there a number where we can
23 reach you at when you are outside of Florida?
24 MR. KALLEN: You can't reach him,
25 but I can.

1 BY MR. VALDES:
 2 Q. Well, opposing counsel?
 3 A. Yes, he knows all of my numbers,
 4 E-mail, the whole deal.
 5 Q. You have E-mail?
 6 A. Yes.
 7 MR. FAMULARI: John doesn't have
 8 E-mail yet. He doesn't have a computer yet.
 9 MR. KALLEN: I still use
 10 walkie-talkie.
 11 MR. VALDES: No more questions.
 12 RE-CROSS-EXAMINATION
 13 BY MR. KALLEN:
 14 Q. Just a few follow-up real quick?
 15 A. Okay.
 16 Q. You said that you don't have any
 17 welding experience?
 18 A. Correct.
 19 Q. Would you know, putting yourself
 20 back in July of 1997, whether or not a
 21 particular job is safe to begin welding on?
 22 A. It wasn't my decision to make.
 23 Q. As far as any welding work that
 24 would have been done and was done on the boat
 25 would you defer to the welders and the welding

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1 people at Bradford?
 2 A. Absolutely.
 3 Q. Would there be any reason that you
 4 can think of that you would have actually told
 5 Henry Naranjo that it was "safe" to weld?
 6 A. No.
 7 Q. You would have no reason to know
 8 that, would you?
 9 A. No.
 10 Q. Did you ever have any reason to
 11 know or suspect that there was or could have
 12 been any type of ignitable or flammable gas or
 13 fumes or liquid underneath that aluminum
 14 subflooring in the lazarette?
 15 A. No.
 16 Q. As far as what type of work either
 17 the owner or you wanted done on the boat, you
 18 would express those desires or wants to the
 19 people at Bradford, I take it?
 20 A. Correct.
 21 Q. As far as how the work would
 22 actually be done and in what manner and whether
 23 it was done safely, would you at anytime dictate
 24 that to Bradford people?
 25 A. No.

1 Q. Or any of their workers?
 2 A. No.
 3 Q. As far as you were concerned that
 4 was the workers or Bradford Marine's
 5 responsibility?
 6 A. That is why I am in the boat yard
 7 for.
 8 Q. Just a point of clarification. We
 9 know that there were some holes drilled on this
 10 subfloor initially with the idea of that is
 11 where the pumps would be bolted down into?
 12 A. Correct.
 13 Q. Is it your understanding that the
 14 doubler plates that were fabricated after that
 15 were going to be placed in that same exact
 16 position on the aluminum floor in the lazarette?
 17 A. Yes, they were.
 18 Q. So for someone that was placing
 19 those plates or one plate or two plates down
 20 there they would have, would have had to have
 21 seen the holes in the deck?
 22 A. Yes.
 23 MR. VALDES: Objection,
 24 speculation.
 25 MR. KALLEN: I have nothing else.

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1 MR. VALDES: Mr. Weber?
 2 MR. WEBER: No, thank you
 3 REDIRECT EXAMINATION
 4 BY MR. VALDES:
 5 Q. I've got one last question for you,
 6 Captain, and we can all go home.
 7 Captain, isn't a captain ultimately
 8 responsible for what happens on board his
 9 vessel?
 10 MR. KALLEN: Object to the form.
 11 While it's in the shipyard undergoing a
 12 refit?
 13 MR. VALDES: Listen, I am asking
 14 him. If you want we can swear you in, too.
 15 MR. KALLEN: You can do it. I'll
 16 object to the form.
 17 BY MR. VALDES:
 18 Q. Captain?
 19 A. One more time.
 20 Q. Isn't it true that a captain is
 21 ultimately responsible for what happens on board
 22 his vessel?
 23 A. I would say not anymore in this day
 24 and age, no.
 25 Q. Why?

1 MR. WEBER: That is two questions,
 2 Manny.
 3 MR. VALDES: Quiet, Mr. Weber.
 4 MR. WEBER: Just kidding.
 5 BY MR. VALDES:
 6 Q. Why do you say that, Captain?
 7 A. Well, you know, you got your thing,
 8 your old day captain that they are responsible
 9 and go down with the ship and as you know it's
 10 not like that any more. That is why I go to a
 11 boat yard, so I can take it to people that know
 12 what they are doing and have it done by them.
 13 I don't know anything about welding
 14 or installing the engines. I know how to hire
 15 people that know how to do that. That is my
 16 job, to make sure that it gets done, not to do
 17 it.
 18 MR. VALDES: That is it.
 19 MR. KALLEN: Not waived.
 20 (Thereupon, the taking of the deposition
 21 was concluded at 5:00 p.m. and reading and
 22 signing were not waived.)
 23
 24
 25

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1
 2
 3 JURAT PAGE
 4 STATE OF FLORIDA)
 5) SS.
 6 COUNTY OF DADE)
 7
 8
 9
 10 I, John Bredbeck, hereby certify that
 11 I have read the foregoing transcript pages 1 to
 12 and including 122 and find the same to be true
 13 and accurate. Any corrections made by me are
 14 set forth on the errata page attached hereto.
 15
 16
 17 John Bredbeck
 18
 19 Sworn to and subscribed before me on this,
 20 the day of , 2001.
 21
 22 Notary Public in and for the
 23 State of Florida at Large.
 24 My Commission expires: June 29th, 2002
 25

1
 2 ERRATA SHEET
 3
 4 I, John Bredbeck, do hereby acknowledge
 5 that I have read this transcript and find it to
 6 be accurate except for the corrections noted below.
 7
 8 PAGE LINE /
 9 PAGE LINE /
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 18
 19
 20
 21 John Bredbeck
 22
 23 Signed and dated this day of 2001.
 24
 25

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1
 2 CERTIFICATE OF OATH
 3
 4 STATE OF FLORIDA
 5 COUNTY OF DADE
 6
 7
 8 I, the undersigned authority,
 9 certify that John Bredbeck personally appeared
 10 before me and was duly sworn.
 11 WITNESS my hand and official seal
 12 this 17th day of March, 2001.
 13
 14
 15
 16 JULIO A. MOCEGA
 17 Notary Public- State of Florida
 18 My Commission Expires: 6-29-2002
 19
 20
 21
 22
 23
 24
 25

1
2 CERTIFICATE OF REPORTER
3 STATE OF FLORIDA
4 COUNTY OF DADE
5 I, JULIO A. MOCEGA, Registered
6 Professional Reporter, certify that I was
7 authorized to and did stenographically report
8 the foregoing proceedings; and that the
9 transcript is a true and accurate record.
10 I further certify that I am not an
11 attorney or counsel of any of the parties, nor a
12 relative or employee of any attorney or counsel
13 connected with the action, nor financially
14 interested in the action.

15 Dated this 17th day of March, 2001.

16
17 JULIO A. MOCEGA, R.P.R.
18 State of Florida
19 County of Dade
20

21 The foregoing certificate was acknowledged
22 before me this day of 2001,
23 by Julio A. Mocega, who is personally known to me.
24
25

1 JULIO A. MOCEGA & ASSOC, INC.
2 25 Southeast 2nd Avenue, Suite 543
3 Miami, Florida 33131
4 Telephone (305) 374-0181

5 TO: John Bredbeck
6 C/O Badiak, Will & Kallen
7 17071 West Dixie Highway
8 North Miami Beach, Fla.

9 March 17th, 2001

10 IN RE: NARANJO vs. STEPHEN B. SMITH
11 CASE NO 00-6022 CIV-LENARD

12 Dear Mr. Bredbeck,

13 With reference to the examination of YOURSELF,
14 deponent in the above-styled cause, taken on
15 Feb. 7th, 2000 under oath, please be advised
16 that the transcript of the Deposition has been
17 transcribed and is awaiting your signature.

18 Please arrange to conclude this matter at your
19 earliest convenience. We would suggest that you
20 telephone this office and arrange an appointment
21 suitable for all concerned.

22 However, if this has not been taken care of by
23 April 17th, 2001 we shall conclude the reading
24 and signing of said deposition has been waived,
25 and shall then proceed to file the original of
the said transcript with the party who took the
deposition, without further notice to any
parties.

Very Truly yours,

JULIO A. MOCEGA, R P R

cc All Attorneys of Record.

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